

ESTTA Tracking number: **ESTTA564612**

Filing date: **10/11/2013**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91205046
Party	Plaintiff Christina Sukljian
Correspondence Address	CHRISTINA SUKLJIAN 13 MANOR STREET ALBANY, NY 12207 UNITED STATES info@zela.com
Submission	Opposition/Response to Motion
Filer's Name	Christina Sukljian
Filer's e-mail	info@zela.com
Signature	/Christina Sukljian/
Date	10/11/2013
Attachments	Respondent's Reply Opposition to Petitioner's Motion for Sanctions Cancellation No 92055279.pdf(5562263 bytes)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the Matter of U.S. Registration No. 2898544
Mark: GAGA PURE PLATINUM

-----X		
CHRISTINA SUKLJIAN,	:	
	:	
Opposer,	:	Opposition No. 91205046
	:	
v.	:	
	:	
ATE MY HEART, INC.,	:	
	:	
Applicant.	:	
ATE MY HEART, INC.,	:	
	:	
Petitioner,	:	Cancellation No. 92055279
	:	
v.	:	
	:	
CHRISTINA SUKLJIAN,	:	
	:	
Respondent.	:	
-----X		

**RESPONDENT’S REPLY TO PETITIONER’S MOTION FOR SANCTIONS FOR
FAILURE TO COMPLY WITH THE BOARD’S DISCOVERY ORDER AND REQUEST
FOR JUDGMENT**

Respondent, Christina Sukljian, hereby replies to Petitioner Ate My Heart, Inc.’s ("AMH") motion for sanctions and Respondent, Christina Sukljian ("Respondent") further requests judgment be granted in its entirety in both the Cancellation and Opposition proceedings in favor of Christina Sukljian.

REPLY

Petitioner's motion dated September 26, 2013 is riddled with lies, deceit, inconsistencies, and manipulation and newcomer Ate My Heart Inc. is arrogantly unwilling to respect the intellectual property of Trademark owner, Christina Sukljian, Respondent, and the GAGA PURE PLATINUM Trademark nor willing to honor and uphold the validity of the United States Patent and Trademark Office and Registered Trademarks. GAGA PURE PLATINUM is not abandoned and is an active, federally registered trademark, used in commerce in Class 003, created in the year 2000, filed for registration on August 22, 2001, federally registered on November 2, 2004, filed for Section 8 & 15 on May 21, 2010, and the USPTO's Notice Of Acceptance And Acknowledgement Of §§8 & 15 Declaration was granted on June 5, 2010, annexed hereto as exhibit A.

Respondent respected The Board's order dated August 5, 2013 and replied to AMH's Discovery for both consolidated proceedings, Opposition No. 91205046 and Cancellation No. 92055279, on August 25, 2013 and respectfully answered Discovery to the best of Respondent's efforts. AMH states to The Board that, "*Sukljian still refuses to provide even one piece of paper or one bit of information demonstrating either her prior use of the mark, her continuous use of the mark, or that the mark was abandoned.*" This is categorically false. Contrary to AMH's lies, Respondent answered the Interrogatories and Document requests and provided AMH with meaningful responses, provided physical documents and provided tangible evidence of use in commerce of the GAGA PURE PLATINUM Trademark including the following Discovery requests annexed hereto as exhibit B:

- 1) Documents showing product packaging for GAGA PURE PLATINUM'S goods.**
- 2) Documents showing product logos, color schemes or other distinctive identifiers for GAGA PURE PLATINUM'S goods.**
- 3) GAGA PURE PLATINUM'S channels of trade www.zela.com registered on December 9, 1999 and www.gagapureplatinum.com registered on February 10, 2011.**
- 4) Document showing the domain name registration for www.gagapureplatinum.com**

5) Product Samples: Box of full size GAGA PURE PLATINUM products in use in commerce including nail polish, lip gloss, blush, lipstick, mascara and concealer.

6) GAGA PURE PLATINUM'S retail price points ranging from USD \$12.50 - \$22.00.

Contrary to AMH's statements, Respondent is not game playing, not evading discovery, not operating in bad-faith, and is not contumacious, rather, AMH continues to willfully ignore Respondent's Discovery answers, and continues with their frivolous actions including their motion for sanctions.

AMH's Actions Built On A House of Lies Continuing With Their Motion For Sanctions

On March 5, 2012, AMH filed a Petition To Cancel the GAGA PURE PLATINUM Trademark, with the claim that,

1.) *"Upon information and belief, **Respondent is no longer using Respondent's Mark in commerce** in connection with the goods covered in her registration, namely, cosmetics; namely, nail polish, lipstick, lip-gloss, eye-liner, lip-liner, eye shadow, face powder, blush, mascara in cl.3. Indeed, upon further information and belief, Respondent has not had valid trademark use on those items **for several years.**"*

On December 20, 2012, AMH filed a Motion for Sanctions, stating,

2.) *"Upon information and belief, **at the time AMH filed the instant action, Respondent was not using its Mark in commerce** in connection with the goods covered in her registration, namely cosmetics; namely, nail polish, lipstick, lip-gloss, eye-liner, lip-liner, eye shadow, face powder, blush, mascara in class 3. Upon information and belief, Respondent has not had valid trademark use of Respondent's Mark on those items **for at least the past several years, if ever.**"*

On January 23, 2013, AMH filed a reply brief with The Board, stating,

3.) *"Once Lady Gaga rose to international fame and began receiving virtually unparalleled publicity, Ms. Sukljan decided to capitalize on Lady Gaga's fame and goodwill by commencing use of the mark in commerce."*

AMH has been weaving a web of lies in their numerous statements that are riddled with deceit and inconsistencies throughout these proceedings, painting a story to the Board which completely contradicts their claim of abandonment in their Petition to Cancel. In fact, in AMH's Petition To Cancel, AMH boasts,

4.) *"In 2008, Lady Gaga catapulted to fame from the moment of her debut single, "Just Dance", from her full-length album debut, "The Fame", was released."*

AMH contradicts its claims of abandonment by stating that GAGA PURE PLATINUM'S mark was in use in commerce. While AMH's claim of „commencing use“ is egregiously and categorically false, AMH admits that it knew the GAGA PURE PLATINUM Trademark was in use in commerce for **over 4 years** prior to its Petition To Cancel and does not deny this fact. In fact, AMH knew prior to its Petition To Cancel, GAGA PURE PLATINUM's channels of trade, including GAGA PURE PLATINUM's parent website, www.zela.com, since 2001 and registered on December 9, 1999, and on www.gagapureplatinum.com, since February 2011 and registered on February 10, 2011.

Furthermore, AMH demonstrates more lies and inconsistencies to The Board by falsely stating in its September 26, 2013 motion for sanctions that,

5.) *"Sukljan admits that the website under which she now offers for sale GAGA PURE PLATINUM brand cosmetics (<gagapureplatinum.com>) did not go "live" until after AMH filed the Cancellation Proceeding against Sukljan's registration."*

In the same motion dated September 26, 2013, AMH states that,

6.) *"...the website she launched in the spring of 2011."*

On one statement AMH asserts that www.gagapureplatinum.com launched after its Petition to Cancel on March 5, 2012, at the same time asserting that www.gagapureplatinum.com launched in the spring of 2011. While the Respondent has never made any such admissions to AMH, nonetheless, AMH continues to fabricate statements and deceitfully presents them to The Board.

Respondent's Policing of It's Mark

Furthermore, Respondent has a well documented history of policing its Trademark from infringers, including newcomer Ate My Heart, Inc. and has filed 3 (three) accepted Letters of Protest with The USPTO as early as 2010 against AMH. Respondent's Letter of Protest filed against Application Serial Number 85115004 for the mark Lady Gaga due to likelihood of confusion was accepted by the USPTO on November 5, 2010 and as such Ate My Heart, Inc. was denied registration of the Lady Gaga mark for class 3 on December 7, 2010 under SECTION 2(d) REFUSAL – LIKELIHOOD OF CONFUSION with GAGA PURE PLATINUM in class 3. AMH and its legal team were immediately alerted to this first refusal by The USPTO which cited Respondent's Registration No. 2,898,544 and as such AMH had all of Respondent's contact information conveniently itemized in The USPTO's public database to find Respondent's goods. AMH had access to Respondent's address, phone number, email, and parent site www.zela.com where GAGA PURE PLATINUM'S goods were available to the public, with a very simple search. AMH visited www.zela.com and saw that GAGA PURE PLATINUM was in use in commerce, all prior to its Petition to Cancel and prior to its application for HAUS OF GAGA. In its 'Response To Office Action' letter dated December 28, 2010, AMH does not claim that the GAGA PURE PLATINUM Trademark is abandoned, rather AMH states to the examining attorney that it *'disagrees with the assertion that a likelihood of confusion could be caused by the existence of the Cited Registration.'* Two more Letters of Protest were filed by Respondent against AMH including Application Serial Number 85215017 for the mark Haus of Gaga due to likelihood of confusion and accepted by USPTO on March 31, 2011 and Application Serial Number 85282752 for the mark Lady Gaga Fame due to

likelihood of confusion and accepted by USPTO on August 29, 2011. Again and again, AMH did not make any claims of abandonment to Respondent's Registration beginning with its first refusal in 2010 for application Lady Gaga Serial No. 85115004, nor its second refusal for application Lady Gaga Fame Serial No. 85282752. Newcomer Ate My Heart, Inc. views Respondent's Trademark GAGA PURE PLATINUM as AMH's entitlement due to their fame and filed its Petition To Cancel on March 5, 2012 as a malicious retaliatory tactic only after Respondent policed its trademark by filing a 60 Day Request for Extension of Time To Oppose Application Serial Number 85215017 for the mark Haus of Gaga filed and granted by the USPTO on February 29, 2012, just 5 days prior to their Petition.

AMH's statements and Petition To Cancel illustrate that its intentions are malicious and ill intended in order to harass and place undue burden and excessive financial burden on Christina Sukljian in this case. By conjuring ludicrous claims, newcomer AMH confirms its lack of standing and validity in its Cancellation Proceeding and further confirms that AMH is unwilling to respect the intellectual property and rights of the GAGA PURE PLATINUM trademark holder, Christina Sukljian.

AMH is in receipt of the following Discovery Responses for both proceedings, which includes stated information, physical documents and tangible evidence, to its Discovery Interrogatories and Document Requests. Annexed hereto as Exhibit C.

Interrogatory No.6

For each of Respondent's Goods bearing or offered in connection with Respondent's Mark in the United States, please state the following:

- (a) Respondent's channels of trade, including all former, current or prospective retail establishments, wholesale establishments and websites;
- (b) Respondent's targeted consumer group and/or targeted demographics;

(c) The price points at which Respondent's Goods bearing Respondent's Mark are sold to consumers; and

(d) The amount of money Respondent has earmarked or dedicated to the manufacture and, separately, the promotion of the Respondent's Goods bearing Respondent's Mark for 2012.

Response To Interrogatory No. 6

Respondent objects to this Interrogatory for the reasons set forth in the General Objections and specifically to the extent that it is overly broad and unduly burdensome. Respondent further objects to this Interrogatory to the extent that it seeks information that is neither relevant nor at issue in this proceeding nor relevant to the claims or defenses of either party. Subject to and without waiving the forgoing objections Respondent states the Interrogatories listed above in (a) is overly broad and unduly burdensome, however Respondent identifies the following current two websites as www.gagapureplatinum.com and www.zela.com (c) \$12.50 - \$22.00.

Interrogatory No. 9

Identify all cease and desist demand letters and responses thereto, litigations, trademark actions or proceedings, ICANN proceedings and/or other challenges concerning Respondent's Mark in any way. When responding to this interrogatory, include: (a) the dates of such challenge; (b) the third-party mark involved; (c) the adversarial party; and (d) the outcome of each challenge.

Response To Interrogatory No. 9

Respondent objects to this Interrogatory for the reasons set forth in the General Objections and specifically to the extent that it is overly broad and unduly burdensome. Respondent further objects to this Interrogatory to the extent that it seeks information that is neither relevant nor at issue in this proceeding nor relevant to the claims or defenses of either party. Subject to and without waiving the forgoing objections Respondent states that no cease and desist demand letters or responses thereto, litigations, trademark actions or ICANN proceedings exist concerning the use of the mark GAGA PURE

PLATINUM. Respondent identifies the following USPTO Action: Respondent's Opposition No. 91205046 filed with the USPTO.

Interrogatory No. 15

Identify each item sold by or on behalf of Respondent since 2004 that bears Respondent's Mark.

Response To Interrogatory No. 15

Respondent objects to this Interrogatory for the reasons set forth in the General Objections and specifically to the extent that it is overly broad and unduly burdensome. Respondent further objects to this Interrogatory to the extent that it seeks information that is neither relevant nor at issue in this proceeding nor relevant to the claims or defenses of either party. Subject to and without waiving the forgoing objections Respondent identifies the items as cosmetics, including nail polish, blush, mascara, face powder, eye shadow, concealer, lip gloss, eye liner, lip liner, lipstick, face luminizer.

Document Request No. 4:

All documents concerning packaging for Respondent's Goods bearing Respondent's Mark.

Response To Document Request No. 4:

Respondent objects to this Request for the reasons set forth in the General Objections and specifically to the extent that it is overly broad, unduly burdensome, confusing, vague and ambiguous. Respondent further objects to this Request on the ground that it seeks documents and information that is neither relevant nor at issue in this proceeding nor relevant to the claims or defenses of either party. Subject to and without waiving the forgoing objections, Respondent responds that electronic documents printed from www.gagapureplatinum.com responsive to this request showing product packaging are annexed hereto as Exhibit A – Document Request No 4.

Document Request No. 5:

All documents concerning any logos, color schemes or other distinctive identifiers for Respondent's Goods

Response To Document Request No. 5:

Respondent objects to this Request for the reasons set forth in the General Objections and specifically to the extent that it is overly broad, unduly burdensome, confusing, vague and ambiguous. Respondent further objects to this Request on the ground that it seeks documents and information that is neither relevant nor at issue in this proceeding nor relevant to the claims or defenses of either party. Subject to and without waiving the forgoing objections, Respondent responds that documents responsive to this request showing the logo were provided above as Exhibit A. Please refer to Exhibit A.

Document Request No. 35:

Samples of each of Respondent's Goods sold or offered for sale under Respondent's Mark.

Response To Document Request No. 35:

Respondent objects to this Request for the reasons set forth in the General Objections and specifically to the extent that it is overly broad, unduly burdensome and harassing and that the information is publicly available and/or equally available to Petitioner. Subject to and without waiving the forgoing objections, Respondent responds that a variety of Respondent's cosmetic samples including one piece of each of the following below are annexed hereto as Exhibit B – Box of Samples Document Request No. 35.

1. GAGA PURE PLATINUM® ART DÉCORATIF LIPSTICK IN SPRING LOVE
2. GAGA PURE PLATINUM® STAR CONCEALER IN LIGHT
3. GAGA PURE PLATINUM® ETHEREAL FINISH MASCARA
4. GAGA PURE PLATINUM® 58 FACETS BRILLIANT LIP GLOSS
5. GAGA PURE PLATINUM® NAIL COSMETIC IN AVEC MOI
6. GAGA PURE PLATINUM® NEO-POP™ CREAM BLUSH IN SHOW ME
7. GAGA PURE PLATINUM® ETERNALLY CHIC SET BOX

Document Request No. 41:

All documents sufficient to identify any and all domain names registered by or on behalf of Respondent incorporating Respondent,s Mark, including but not limited to applications, registrations, agreements, correspondence and e-mails.

Response To Document Request No. 41:

Respondent objects to this Request for the reasons set forth in the General Objections and specifically to the extent that it is overly broad, unduly burdensome. Respondent further objects to this Request on the ground that it seeks documents and information that is neither relevant nor at issue in this proceeding nor relevant to the claims or defenses of either party. Subject to and without waiving the forgoing objections, Respondent responds that the electronic document printed from www.internic.com responsive to this request showing registration of domain name www.gagapureplatinum.com is annexed hereto as Exhibit C – Document Request No 41.

Document Request No. 58:

All documents concerning Respondent,s efforts to enforce Respondent,s Mark.

Response To Document Request No. 58:

Respondent objects to this Request for the reasons set forth in the General Objections and specifically to the extent that it is overly broad, unduly burdensome, confusing, vague and ambiguous. Respondent further objects to this request as it seeks information that is already in the possession of the Petitioner, equally available to Petitioner, publicly available and is a matter of public record. Subject to and without waiving the forgoing objections, Respondent responds that Respondent has filed the following documents with the USPTO in an effort to enforce Respondent’s Mark and are annexed hereto as Exhibit D.

- 1) Respondent’s Letter of Protest filed against Application Serial No. 85115004 for the mark Lady Gaga due to likelihood of confusion and accepted by the USPTO on November 5, 2010.

- 2) Respondent's Letter of Protest filed against Application Serial Number 85215017 for the mark Haus of Gaga due to likelihood of confusion and accepted by USPTO on March 31, 2011.
- 3) Respondent's Letter of Protest filed against Application Serial Number 85282752 for the mark Lady Gaga Fame due to likelihood of confusion and accepted by USPTO on August 29, 2011.
- 4) Respondent's Initial 30 Day Request for Extension of Time To Oppose Application Serial Number 85215017 for the mark Haus of Gaga filed and granted by the USPTO on February 1, 2012
- 5) Respondent's 60 Day Request for Extension of Time To Oppose Application Serial Number 85215017 for the mark Haus of Gaga filed and granted by the USPTO on February 29, 2012. Respondent's Notice of Opposition No. 91205046 filed with the USPTO on May 1, 2012.

Document Request No. 65:

All documents concerning registration of the domain name gagapureplatinum.com

Response To Document Request No. 65:

Respondent objects to this Request for the reasons set forth in the General Objections and specifically to the extent that it is overly broad, unduly burdensome, confusing and vague. Respondent further objects to this request as it seeks information that is equally available to Petitioner, publicly available and is a matter of public record. Subject to and without waiving the forgoing objections, Respondent responds that the document responsive to this request was already provided above as Exhibit C. Please refer to Exhibit C.

Petitioner Ate My Heart's Lies and Manipulation:

In AMH's letter dated September 9, 2013 attorney Lisa M. Buckley asserts her threatening tactics

by attempting to intimidate Respondent with threats of imprisonment. In addition, in its motion dated September 26, 2013, AMH requests The Board to grant them attorney's fees. AMH knows that the Board cannot award attorney's fees and requesting this demonstrates its practice of bad faith and manipulation.

AMH continues to deceive The Board by stating that AMH attempted to settle with Respondent before AMH served Discovery Requests and further lies by stating that AMH verbally offered a 5 figure settlement on the telephone in which millions was counter-offered by Respondent's father. These are lies.

1) AMH Petitioner, served Discovery to Respondent dated June 29, 2012.

2) AMH Petitioner, served its Initial Disclosures to Respondent dated August 8, 2012. It is Respondent's understanding that according to procedure Initial Disclosures are to be served **before** Discovery. AMH Petitioner, served Initial Disclosures **after** it served Discovery.

3) AMH mailed a settlement proposal letter to Respondent Christina Sukljian dated August 29, 2012, instructing Respondent to give up all her rights to her Trademark, among other rights.

4) Christina Sukljian mailed a rejection response letter to AMH dated September 5, 2012.

5) AMH then filed a Motion To Compel Sukljian dated September 20, 2012 after it received a rejection to their proposal letter.

In addition, AMH claims that Respondent, "*to date has not made any reasonable settlement proposal*" is again a lie. Respondent offered AMH, through its attorney Lisa Buckley, an offer to settle with a buyout during discovery conference. Buckley flat out rebuffed Respondent's proposal, refused to present the offer to their client, and refused to negotiate any further.

Newcomer and Petitioner AMH is a singer. Respondent is a cosmetics designer and creator in the cosmetics industry. Petitioner's bad faith, harassing and unwarranted discovery demands only exist with the sole objective to place unnecessary undue burden, overwhelming financial burden, intimidation and vexation on Respondent to gain unfair access to the Respondent's cosmetic business whereby aiding a competitor with an unfair advantage all to the detriment of GAGA PURE PLATINUM'S Trademark and business. Respondent has answered the Interrogatories and Document requests and provided AMH with

meaningful responses, provided physical documents and provided tangible evidence of use in commerce of GAGA PURE PLATINUM including, having identified its channels of trade since 2001 on www.zela.com, among other information, whereby proving AMH's petition To Cancel meritless and void.

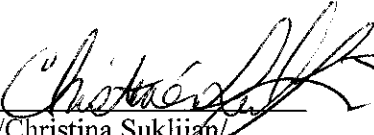
During the course of this one year and seven month old case, to be precise, Ate My Heart Inc.'s actions illustrate its deliberate attempt to file a bad faith cancelation action and motion for sanctions to inflict harm on Respondent and its GAGA PURE PLATINUM Trademark. AMH's request for sanctions and judgment are unfair and unjust and Petitioner further wants to take Respondent's rights away unjustly. Petitioner's motion for sanctions should be denied in its entirety and summary judgment entered in favor of Respondent Christina Sukljian in its entirety in both the consolidated cancelation and opposition proceedings.

WHEREFORE, for the reasons set forth herein, Respondent Christina Sukljian respectfully requests that judgment be entered in its entirety in favor of Christina Sukljian in both the cancelation proceeding and opposition proceeding, and AMH's motion for sanctions be denied in its entirety, and AMH's Petition to Cancel be denied in its entirety and judgment entered against Ate My Heart, Inc. and in favor of Christina Sukljian for both Opposition No. 91205046 and Cancelation No. 92055279.

Dated: Albany, New York

Respectfully Submitted,

October 11, 2013

By: 
/Christina Sukljian/
Christina Sukljian
GAGA PURE PLATINUM
13 Manor Street
Albany, New York 12207

CERTIFICATE OF PROOF OF SERVICE

I hereby certify that a true and correct copy of the foregoing **RESPONDENT'S REPLY TO PETITIONER'S MOTION FOR SANCTIONS FOR FAILURE TO COMPLY WITH THE BOARD'S DISCOVERY ORDER AND REQUEST FOR JUDGMENT** has been served on Ate My Heart, Inc. by mailing said copy on October 11, 2013 via The United States Postal Service Priority Mail with Signature Confirmation in a USPS Priority Mail Envelope postage prepaid to: Ate My Heart, Inc. c/o Lisa Buckley Pryor Cashman LLP, 7 Times Square, New York, NY 10036.

By: 

/Christina Sukljan/

Christina Sukljan

13 Manor Street

Albany, NY 12207

Date of Deposit: October 11, 2013
USPS Priority Mail

CERTIFICATE OF MAILING THROUGH ESTTA

I, Christina Sukljan, hereby certify that this **RESPONDENT'S REPLY TO PETITIONER'S MOTION FOR SANCTIONS FOR FAILURE TO COMPLY WITH THE BOARD'S DISCOVERY ORDER AND REQUEST FOR JUDGMENT** is being filed electronically through ESTTA with The Trademark Trial And Appeal Board, United States Patent And Trademark Office, Alexandria, VA 22313-1451 on the date indicated below.

Date of Deposit: October 11, 2013

Signed: /Christina Sukljan/

EXHIBIT A

Int. Cl.: 3

Prior U.S. Cls.: 1, 4, 6, 50, 51 and 52

Reg. No. 2,898,544

United States Patent and Trademark Office

Registered Nov. 2, 2004

**TRADEMARK
PRINCIPAL REGISTER**

GAGA PURE PLATINUM

SUKLJIAN, CHRISTINA (UNITED STATES INDIVIDUAL)
13 MANOR STREET
ALBANY, NY 12207

FIRST USE 7-23-2000; IN COMMERCE 6-7-2001.

FOR: COSMETICS; NAMELY NAIL POLISH, LIP-STICK, LIP-GLOSS, EYE-LINER, LIP-LINER, EYE SHADOW, FACE POWDER, BLUSH, MASCARA, IN CLASS 3 (U.S. CLS. 1, 4, 6, 50, 51 AND 52).

SER. NO. 76-305,015, FILED 8-27-2001.

BERYL GARDNER, EXAMINING ATTORNEY

Side - 1

**NOTICE OF ACCEPTANCE AND
ACKNOWLEDGEMENT OF §§8 & 15
DECLARATION
MAILING DATE: Jun 5, 2010**

The combined declaration of use and incontestability filed in connection with the registration identified below meets the requirements of Sections 8 and 15 of the Trademark Act, 15 U.S.C. §1058 and 1065. The combined declaration is accepted and acknowledged. The registration remains in force.

For further information about this notice, visit our website at: <http://www.uspto.gov>. To review information regarding the referenced registration, go to <http://tarr.uspto.gov>.

REG NUMBER: 2898544
MARK: GAGA PURE PLATINUM
OWNER: Sukljan, Christina

Side - 2

UNITED STATES PATENT AND TRADEMARK OFFICE
COMMISSIONER FOR TRADEMARKS
P.O. BOX 1451
ALEXANDRIA, VA 22313-1451

**FIRST-CLASS
MAIL
U.S POSTAGE
PAID**

CHRISTINA SUKLJIAN
13 MNR ST
ALBANY, NY 12207

EXHIBIT B



EXHIBIT B

DOCUMENT REQUEST NO. 35

CANCELATION NO. 92055279



EXHIBIT B

DOCUMENT REQUEST NO. 35

ETERNALLY CHIC SET

The perfect three-piece set that has everything you need for instant sophistication. Infused with our signature GEMPLUST™ JEWELS, this set is the ultimate companion for any destination. Polish lips, tips, and lashes in this universally flattering color palette.

NAIL COSMETIC - AVEC MOI / NET WEIGHT: 0.34 FL OZ · 10 ml e / KEEP FROM HEAT AND FLAME
INGREDIENTS: BUTYL ACETATE · ETHYL ACETATE · NITROCELLULOSE · ACETYL TRIBUTYL CITRATE · ISOPROPYL ALCOHOL · ADIPIC ACID/NEOPENTYL GLYCOL/TRIMELLITIC ANHYDRIDE COPOLYMER · STEARALKONIUM HERTORITE · ACRYLATES COPOLYMER · BENZOPHENONE-1 · AMETHYST POWDER · NEPHRITE POWDER · TOURMALINE POWDER · RUBY POWDER · PEARL POWDER · CORAL POWDER · AMBER POWDER. [+/- TOSYLAMIDE/FORMALDEHYDE RESIN · CI 77891/TITANIUM DIOXIDE · CI 77491, CI 77492, CI 77499/IRON OXIDES].

ETHEREAL FINISH MASCARA / NET WEIGHT: 0.1 FL OZ · 3 ml e

POWDER · NEPHRITE POWDER · TOURMALINE POWDER · RUBY POWDER · PEARL POWDER · CORAL POWDER · AMBER POWDER · BHT · TOCOPHEROL. [+/- MICA, CI 77891/TITANIUM DIOXIDE, CI 77491, CI 77492, CI 77499/IRON OXIDES]
*ECOCERT™ CERTIFIED

GAGA®
PURE PLATINUM

ZELA INT'L. ALBANY, NY 12207 www.GAGAPUREPLATINUM.COM

★ MADE WITH ♥ IN NY USA ★

EXHIBIT B

DOCUMENT REQUEST NO. 35

CANCELATION NO. 92055279

[HOME](#) > [SHOP](#) > [FACE](#) > POP OFF NEO-POP BLUSH™ CREAM CHEEK COLOUR

Face

POP OFF NEO-POP™ CREAM BLUSH CREAM CHEEK COLOUR

\$20.00

ADD TO MY BAG

This superbly smooth cream blush provides a gorgeous pop of healthy color to cheeks that naturally moisturizes delicate skin with a blend of antioxidant rich barbery fig and pomegranate superfruits at the same time. Neo-Pop blends easily to gives cheeks that fresh and long lasting 'pinch me I'm dreaming' flush.

Product Details

- *cream dewy finish*
- *nutrient and vitamin rich superfruits*
- *skin nourishing barbery fig*
- *made with love in USA*
- *.38 oz - 11 g*

• [VIEW INGREDIENTS](#)

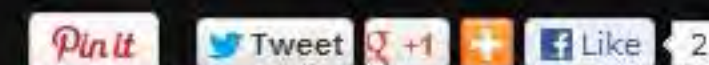
INGREDIENT SPOTLIGHT



FREE SHIPPING over \$50



Candy pink



You Will Also Love...



[HOME](#) > [SHOP](#) > [NAILS](#) > MEEP MEEP MOXIE NAIL COSMETIC

Nails

MEEP MEEP MOXIE NAIL COSMETIC

\$14.00

ADD TO MY BAG

GAGA Pure Platinum Nail Cosmetic is liquid jewelry for the nails with finely crushed, silky smooth GEMLUST™ powder in every bottle. Nails are lacquered in concentrated fashion-forward color for superior wear and gloss with every beautiful coat. This advanced formula provides chip resistant wear while the 600+hair luxe brush delivers strengthening and streak free results for days on end.

Product Details

- *prismatic satin finish*
- *advanced 3 free formula*
- *luxe 600+ hair brush*
- *made with love in USA*
- *1/2 fl oz - 15 ml*

• [VIEW INGREDIENTS](#)

INGREDIENT SPOTLIGHT



FREE SHIPPING over \$50



Rollover To View Product Detail



You Will Also Love...



HOME > SHOP > NAILS

Nails

FREE SHIPPING over \$50

Nails are lacquered in this advanced formula with concentrated color for superior wear and gloss with every beautiful coat.



Meep Meep Moxie
NAIL COSMETIC

SHOP NOW



Hullabaloo
NAIL COSMETIC

SHOP NOW



Prim & Awkward
NAIL COSMETIC

SHOP NOW



Old Flame
NAIL COSMETIC

SHOP NOW



Zenith
NAIL COSMETIC

SHOP NOW



Beam Me Up
NAIL COSMETIC

SHOP NOW



Spendthrift Jungle
NAIL COSMETIC

SHOP NOW



Lock Me Up
NAIL COSMETIC

SHOP NOW



Love Addict
NAIL COSMETIC

SHOP NOW



Big Bang Boom
NAIL COSMETIC

SHOP NOW



Yowza
NAIL COSMETIC

SHOP NOW



White Hot Shock
NAIL COSMETIC

SHOP NOW

This universally flattering creamed peach nude coats nails in fortified luxury in our advanced long wear, chip resistant formula.



Avec Moi Nail Cosmetic
PART OF THE ETERNALLY CHIC SET

SHOP NOW

[HOME](#) > [SHOP](#) > [COMPLEXION](#) > STAR CONCEALER FAIR

Face

FAIR STAR CONCEALER

\$18.00

ADD TO MY BAG

This full coverage exceptionally pigment rich concealer is a star performer. With the lasting skin benefits of Moroccan argan and avocado, this creamy lightweight formula brightens while blending to perfection. Conceals dark spots, under eye circles, discolorations, blemishes, and any other flaw you would rather not see.

Product Details

- *super concentrated pigment*
- *skin nourishing superfruit oils*
- *skin protecting vitamin E*
- *made with love in USA*
- *.11 oz - 3 g*

• [VIEW INGREDIENTS](#)

INGREDIENT SPOTLIGHT



FREE SHIPPING over \$50



Rollover To View Product Detail



You Will Also Love...



[HOME](#) > [SHOP](#) > [FACE](#) > LUNAR FLASH PRISM PAVE™ LUMINIZER

Face

FREE SHIPPING over \$50

LUNAR FLASH PRISM PAVE™ LUMINIZER

\$22.00

ADD TO MY BAG

This weightless cream luminizer provides luxurious satin luminosity and superb radiance to your complexion. Prism Pave™ instantly brightens and enhances skin's appearance with natural optical reflectors that bend with the light to provide beautiful radiance to cheeks, brow-bones and face.

Product Details

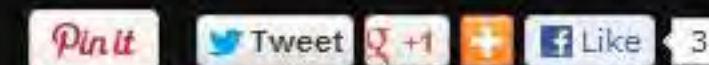
- *super silky satin luminosity*
- *antioxidant rich pomegranate*
- *skin restoring Moroccan argan*
- *made with love in USA*
- *.38 oz - 11 g*

• [VIEW INGREDIENTS](#)

BENEFICIAL INGREDIENTS



Satin champagne



You Will Also Love...



[HOME](#) > [SHOP](#) > [LIPS](#) > PINK PARIS LIP LUST LUXE COLOR GLOSS

Lips

PINK PARIS LIP LUST LUXE COLOR GLOSS

\$12.50

ADD TO MY BAG

The performance of glamorous color and uber shine of a gloss fused with the benefits of a conditioning, protective balm - that's Lip Lust. Nourishing botanicals hydrate lips in a divine buttery-rich formula.

Product Details

- *lasting high gloss finish*
- *moisture and condition with rich shea butter*
- *sooth lips with nourishing sweet almond*
- *made with love in USA*
- *.11 oz - 3 g*

• [VIEW INGREDIENTS](#)

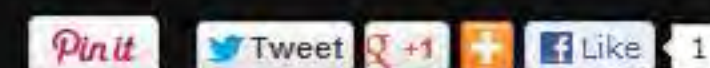
INGREDIENT SPOTLIGHT



FREE SHIPPING over \$50



Shimmering golden fuchsia



You Will Also Love



[HOME](#) > [SHOP](#) > [LIPS](#) > RIVE GAUCHE ART DÉCORATIF HYDRATING LIPSTICK

Lips

RIVE GAUCHE ART DÉCORATIF HYDRATING LIPSTICK

\$16.00

ADD TO MY BAG

Exceptionally creamy and long-lasting, Art Decoratif Hydrating Lipstick instantly delivers high impact powerful color in just one effortless stroke. Lock in natural moisture with conditioning essential fruit oils for supple, kiss me now lips.

Product Details

- *hydrating long wearing color in one stroke*
- *condition with essential açai fruit oil*
- *enhanced with orchid flower extract*
- *made with love in USA*
- *.13 oz - 3.7 g*

• [VIEW INGREDIENTS](#)

INGREDIENT SPOTLIGHT



FREE SHIPPING over \$50



Real sultry red



You Will Also Love...



[HOME](#) > [SHOP](#) > [SETS](#) > ETERNALLY CHIC SET

Sets

FREE SHIPPING over \$50

ETERNALLY CHIC SET 3 PIECE TRAVEL COMPANION

\$20.00

ADD TO MY BAG

The perfect three-piece set that has everything you need for instant sophistication. Infused with our signature GEMLUST™ Jewels, this set is the ultimate companion for any destination. Polish lips, tips, and lashes in this universally flattering color palette.

Product Details

NAIL COSMETIC IN AVEC MOI

- *creamed peach nude, the go to color for any occasion*
- *advanced 3 free formula*
- *made with love in USA*
- *.34 fl oz - 10 ml*

ETHEREAL FINISH MASCARA

- *provides perfectly groomed and polished lashes*
- *pampers lashes with nourishing Moroccan argan*
- *made with love in USA*
- *.1 fl oz - 3 ml*

58 FACETS BRILLIANT LIP GLOSS

- *highlight lips with sparkling dimension*
- *moisturize with sweet almond*
- *refreshing essential grapefruit aroma*
- *made with love in USA*
- *.1 fl oz - 3 ml*

• [VIEW INGREDIENTS](#)

INGREDIENT SPOTLIGHT

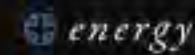


Rollover To View Product Detail



You Will Also Love...



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Inside Gaga Pure Platinum

The Story

GAGA Pure Platinum Cosmetics defines avant-garde beauty that is eternally fashion-forward. We believe in positive energy and through the power of color, we believe in drawing out the inner beauty that resides in all of us. Our natural formulations deliver intense color that is infused with GEMLUST™—crushed to a fine silky smooth powder—for the ultimate in luxurious beneficial beauty. The natural beauty, power, and allure of these fine and precious stones treasured for centuries include: ruby, coral, jade, pearl, amethyst, amber, and tourmaline. Each beauty product is presented with our signature velvet pouch, an experience that one can only expect from GAGA Pure Platinum.

The Heritage

Created in 2000 by second generation cosmetics purveyors and sisters, Cristina Samuels and Jennifer Isaac combined their decades of expertise and insight to create Gaga Pure Platinum. Drawing inspiration from art and beauty, coupled with the finest natural ingredients, the sisters fused these elements in their creations to convey the experience of platinum beauty. Today, these beauty mavens continue the family's nearly half-a-century legacy and tradition in creating and innovating American beauty. Designed, created and made with love in NY USA.

The sisters have the distinct recognition of GCI (Global Cosmetic Industry Magazine) as being 2 of '20 To Know' in the global cosmetic industry. "Cristina Samuels and Jennifer Isaac epitomize the strengths of the beauty industry—continuity and tradition propelled by innovation and evolution." – GCI

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InterNIC

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Whois Search Results

Search again (.aero, .arpa, .asia, .biz, .cat, .com, .coop, .edu, .info, .int, .jobs, .mobi, .museum, .name, .net, .org, .pro, or .travel) :

- Domain (ex. internic.net)
- Registrar (ex. ABC Registrar, Inc.)
- Nameserver (ex. ns.example.com or 192.16.0.192)

Whois Server Version 2.0

Domain names in the .com and .net domains can now be registered with many different competing registrars. Go to <http://www.internic.net> for detailed information.

Domain Name: GAGAPUREPLATINUM.COM
Registrar: 1 & 1 INTERNET AG
Whois Server: whois.schlund.info
Referral URL: <http://1and1.com>
Name Server: NS51.1AND1.COM
Name Server: NS52.1AND1.COM
Status: ok
Updated Date: 11-feb-2013
Creation Date: 10-feb-2011
Expiration Date: 10-feb-2014

>>> Last update of whois database: Wed, 21 Aug 2013 16:19:01 UTC <<<

NOTICE: The expiration date displayed in this record is the date the registrar's sponsorship of the domain name registration in the registry is currently set to expire. This date does not necessarily reflect the expiration date of the domain name registrant's agreement with the sponsoring registrar. Users may consult the sponsoring registrar's Whois database to view the registrar's reported date of expiration for this registration.

TERMS OF USE: You are not authorized to access or query our Whois database through the use of electronic processes that are high-volume and automated except as reasonably necessary to register domain names or modify existing registrations; the Data in VeriSign Global Registry Services' ("VeriSign") Whois database is provided by VeriSign for information purposes only, and to assist persons in obtaining information about or related to a domain name registration record. VeriSign does not guarantee its accuracy. By submitting a Whois query, you agree to abide by the following terms of use: You agree that you may use this Data only for lawful purposes and that under no circumstances will you use this Data to: (1) allow, enable, or otherwise support the transmission of mass unsolicited, commercial advertising or solicitations via e-mail, telephone, or facsimile; or (2) enable high volume, automated, electronic processes that apply to VeriSign (or its computer systems). The compilation, repackaging, dissemination or other use of this Data is expressly prohibited without the prior written consent of VeriSign. You agree to use electronic processes that are automated and high-volume to access or



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QUALITY. PERFORMANCE. INTEGRITY.

EXPERTISE SINCE 1968

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g a g a

GAGA
PURE PLATINUM®

A unisex line of edgy sophistication, GAGA Pure Platinum offers a wide selection of unconventional products and color palettes. Designed and infused with precious gems in sharp urban packaging. The color selection is more avant-garde than conventional standards, eternally fashion forward.

For a unique sense of individualistic style, GAGA is it.



click here to visit the official website: www.gagapureplatinum.com



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our brands



*Mode
Couleurs*

Christina

Little
Gems

GAGA
PURE PLATINUM®

MODE
NEW YORK



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For all inquiries:

email: info@zela.com

phone: 518.436.1833



register.com

Don't just make a website. Make an impact.

Whois Server Version 2.0

Domain names in the .com and .net domains can now be registered with many different competing registrars.

Go to <http://www.internic.net> for detailed information.

% The data in the WHOIS database of 1&1 Internet AG is provided by
% 1&1 for information purposes, and to assist persons in obtaining
% information about or related to a domain name registration record.
% 1&1 does not guarantee its accuracy. By submitting a WHOIS query,
% you agree that you will use this data only for lawful purposes and that,
% under no circumstances, you will use this data to
% (1) allow, enable, or otherwise support the transmission by e-mail,
% telephone, or facsimile of mass, unsolicited, commercial advertising or
% solicitations to entities other than the data recipient's own existing
% customers; or
% (2) enable high volume, automated, electronic processes that send queries or
% data to the systems of any Registry Operator or ICANN-Accredited registrar,
% except as reasonably necessary to register domain names or modify existing
% registrations.
% 1&1 reserves the right to modify these terms at any time.
% By submitting this query, you agree to abide by this policy.

domain: zela.com

created: 09-Dec-1999

last-changed: 08-Sep-2012

registration-expiration: 09-Dec-2013

ns1: ns27.1and1.com 217.160.82.147

ns2: ns28.1and1.com 217.160.83.147

status: CLIENT-TRANSFER-PROHIBITED

registrant-firstname: John

registrant-lastname: Sukljian

registrant-street1: 13 Manor ST

registrant-pcode: 12207

registrant-state: NY

registrant-city: Albany

registrant-ccode: US

registrant-phone: +1.5184361833

registrant-email: support@zela.com

EXHIBIT C

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the Matter of U.S Registration No. 2898544
Mark: GAGA PURE PLATINUM

-----X		
CHRISTINA SUKLJIAN,	:	
	:	
Opposer,	:	Opposition No. 91205046
	:	
v.	:	
	:	
ATE MY HEART, INC.,	:	
	:	
Applicant.	:	
ATE MY HEART, INC.,	:	
	:	
Petitioner,	:	Cancelation No. 92055279
	:	
v.	:	
	:	
CHRISTINA SUKLJIAN,	:	
	:	
Respondent.	:	
-----X		

**RESPONDENT’S RESPONSES AND OBJECTIONS TO PETITIONER’S FIRST
REQUEST FOR THE PRODUCTION OF DOCUMENTS**

Pursuant to Federal Rules of Civil Procedure 26 and 34, Respondent Christina Sukljian, hereby responds and objects to Petitioner, Ate My Heart Inc.’s, first request for the production of documents in Cancelation No. 92055279 action.

GENERAL OBJECTIONS

Respondent objects to the specific document requests, interrogatories, instructions and definitions contained in Petitioner Ate My Heart, Inc.'s First Request for the Production of Documents and Respondent makes its objections to specific interrogatories and requests by, among other things, incorporating by reference the following objections as appropriate.

1. Respondent objects to each request to the extent that it seeks to impose discovery obligations on Respondent that are inconsistent with, are not found in or which are beyond the scope of the Federal Rules of Civil Procedure.

2. Respondent objects to each request to the extent that it is overly broad, unduly burdensome, intended to harass, impose excessive expenses, and/or is vague, ambiguous, confusing, unintelligible, and incomprehensible.

3. Respondent objects to each request to the extent that it seeks information that is publicly available, equally available to Petitioner, is a matter of public record, and/or is information generated by other entities.

4. Respondent objects to each request to the extent that it seeks information that is already in Petitioner's possession, custody or control.

5. Respondent objects to each request to the extent that it seeks information that is not relevant to the claims or defenses of either party.

6. Respondent objects to each request as improper and unduly burdensome to the extent that it seeks information that is not known to Respondent, and/or not in the possession, custody, or control of Respondent.

7. Any disclosure of information protected by any trade secret, privilege or immunity is

inadvertent and does not constitute a waiver of any privilege or right of Respondent.

8. Respondent objects to each request to the extent that it seeks the identity of “any”, “each”, or “all” persons or documents and things as such requests are overly broad and unduly burdensome.

9. Respondent reserves the right to supplement its responses in accordance with the Federal Rules of Civil Procedure.

SPECIFIC RESPONSES

DOCUMENT REQUEST NO. 1:

All documents sufficient to show the gross annual revenues received by Respondent from the sales of Respondent,,s Goods in the United States sold under Respondent’s Mark each year since Respondent,,s first use of Respondent,,s Mark in 2001.

RESPONSE TO DOCUMENT REQUEST NO. 1:

Respondent objects to this Request for the reasons set forth in the General Objections and specifically to the extent that it is overly broad, unduly burdensome. Respondent further objects to this Request on the ground that it seeks documents and information that is neither relevant nor at issue in this proceeding nor relevant to the claims or defenses of either party. Subject to and without waiving the forgoing objections, Respondent responds that there are no documents responsive to this request in its possession, custody or control.

DOCUMENT REQUEST NO. 2:

All documents sufficient to identify the quantity of each of the Respondent’s Goods sold

under Respondent's Mark for each year in the United States since Respondent's first use of Respondent's Mark in 2001.

RESPONSE TO DOCUMENT REQUEST NO. 2:

Respondent objects to this Request for the reasons set forth in the General Objections and specifically to the extent that it is overly broad, unduly burdensome. Respondent further objects to this Request on the ground that it seeks documents and information that is neither relevant nor at issue in this proceeding nor relevant to the claims or defenses of either party. Subject to and without waiving the forgoing objections, Respondent responds that there are no documents responsive to this request in its possession, custody or control.

DOCUMENT REQUEST NO. 3:

All documents and things sufficient to show the use of Respondent's Mark in connection with each of Respondent's Goods each year since Respondent's date of first use in 2001.

RESPONSE TO DOCUMENT REQUEST NO. 3:

Respondent objects to this Request for the reasons set forth in the General Objections and specifically to the extent that it is overly broad, unduly burdensome. Respondent further objects to this Request on the ground that it seeks documents and information that is neither relevant nor at issue in this proceeding nor relevant to the claims or defenses of either party. Subject to and without waiving the forgoing objections, Respondent responds that there are no documents responsive to this request in its possession, custody or control.

DOCUMENT REQUEST NO. 4:

All documents concerning packaging for Respondent's Goods bearing Respondent's Mark.

RESPONSE TO DOCUMENT REQUEST NO. 4:

Respondent objects to this Request for the reasons set forth in the General Objections and specifically to the extent that it is overly broad, unduly burdensome, confusing, vague and ambiguous. Respondent further objects to this Request on the ground that it seeks documents and information that is neither relevant nor at issue in this proceeding nor relevant to the claims or defenses of either party. Subject to and without waiving the forgoing objections, Respondent responds that electronic documents printed from www.gagapureplatinum.com responsive to this request showing product packaging are annexed hereto as Exhibit A – Document Request No 4.

DOCUMENT REQUEST NO. 5:

All documents concerning any logos, color schemes or other distinctive identifiers for Respondent,,s Goods

RESPONSE TO DOCUMENT REQUEST NO. 5:

Respondent objects to this Request for the reasons set forth in the General Objections and specifically to the extent that it is overly broad, unduly burdensome, confusing, vague and ambiguous. Respondent further objects to this Request on the ground that it seeks documents and information that is neither relevant nor at issue in this proceeding nor relevant to the claims or defenses of either party. Subject to and without waiving the forgoing objections, Respondent responds that documents responsive to this request showing the logo were provided above as Exhibit A. Please refer to Exhibit A.

DOCUMENT REQUEST NO. 6:

All documents concerning use of Respondent,,s Mark in 2001 on (a) nail polish; (b) lipstick; (c) lip-gloss; (d) eye-liner; (e) lip-liner; (f) eye shadow; (g) face powder; (h) blush; (i)

mascara sold under Respondent's Mark, including but not limited to purchase orders placed by Respondent, confirmations, manufacturing, shipping and customs records, orders for product from customers, Respondent's invoices, cancelled checks or other proof of payment and all internal accounting documents and records.

RESPONSE TO DOCUMENT REQUEST NO. 6:

Respondent objects to this Request for the reasons set forth in the General Objections and specifically to the extent that it is overly broad, unduly burdensome. Respondent further objects to this Request on the ground that it seeks documents and information that is neither relevant nor at issue in this proceeding nor relevant to the claims or defenses of either party. Subject to and without waiving the forgoing objections, Respondent responds that there are no documents responsive to this request in its possession, custody or control.

DOCUMENT REQUEST NO. 7:

All documents concerning use of Respondent's Mark in 2002 on (a) nail polish; (b) lipstick; (c) lip-gloss; (d) eye-liner; (e) lip-liner; (f) eye shadow; (g) face powder; (h) blush; (i) mascara sold under Respondent's Mark, including but not limited to purchase orders placed by Respondent, confirmations, manufacturing, shipping and customs records, orders for product from customers, Respondent's invoices, cancelled checks or other proof of payment and all internal accounting documents and records.

RESPONSE TO DOCUMENT REQUEST NO. 7:

Respondent objects to this Request for the reasons set forth in the General Objections and specifically to the extent that it is overly broad, unduly burdensome. Respondent further objects to this Request on the ground that it seeks documents and information that is neither relevant nor

at issue in this proceeding nor relevant to the claims or defenses of either party. Subject to and without waiving the forgoing objections, Respondent responds that there are no documents responsive to this request in its possession, custody or control.

DOCUMENT REQUEST NO. 8:

All documents concerning use of Respondent's Mark in 2003 on (a) nail polish; (b) lipstick; (c) lip-gloss; (d) eye-liner; (e) lip-liner; (f) eye shadow; (g) face powder; (h) blush; (i) mascara sold under Respondent's Mark, including but not limited to purchase orders placed by Respondent, confirmations, manufacturing, shipping and customs records, orders for product from customers, Respondent's invoices, cancelled checks or other proof of payment and all internal accounting documents and records.

RESPONSE TO DOCUMENT REQUEST NO. 8:

Respondent objects to this Request for the reasons set forth in the General Objections and specifically to the extent that it is overly broad, unduly burdensome. Respondent further objects to this Request on the ground that it seeks documents and information that is neither relevant nor at issue in this proceeding nor relevant to the claims or defenses of either party. Subject to and without waiving the forgoing objections, Respondent responds that there are no documents responsive to this request in its possession, custody or control.

DOCUMENT REQUEST NO. 9:

All documents concerning use of Respondent's Mark in 2004 on (a) nail polish; (b) lipstick; (c) lip-gloss; (d) eye-liner; (e) lip-liner; (f) eye shadow; (g) face powder; (h) blush; (i) mascara sold under Respondent's Mark, including but not limited to purchase orders placed by Respondent, confirmations, manufacturing, shipping and customs records, orders for product

from customers, Respondent,,s invoices, cancelled checks or other proof of payment and all internal accounting documents and records.

RESPONSE TO DOCUMENT REQUEST NO. 9:

Respondent objects to this Request for the reasons set forth in the General Objections and specifically to the extent that it is overly broad, unduly burdensome. Respondent further objects to this Request on the ground that it seeks documents and information that is neither relevant nor at issue in this proceeding nor relevant to the claims or defenses of either party. Subject to and without waiving the forgoing objections, Respondent responds that there are no documents responsive to this request in its possession, custody or control.

DOCUMENT REQUEST NO. 10:

All documents concerning use of Respondent,,s Mark in 2005 on (a) nail polish; (b) lipstick; (c) lip-gloss; (d) eye-liner; (e) lip-liner; (f) eye shadow; (g) face powder; (h) blush; (i) mascara sold under Respondent"s Mark, including but not limited to purchase orders placed by Respondent, confirmations, manufacturing, shipping and customs records, orders for product from customers, Respondent,,s invoices, cancelled checks or other proof of payment and all internal accounting documents and records.

RESPONSE TO DOCUMENT REQUEST NO. 10:

Respondent objects to this Request for the reasons set forth in the General Objections and specifically to the extent that it is overly broad, unduly burdensome. Respondent further objects to this Request on the ground that it seeks documents and information that is neither relevant nor at issue in this proceeding nor relevant to the claims or defenses of either party. Subject to and without waiving the forgoing objections, Respondent responds that there are no documents

responsive to this request in its possession, custody or control.

DOCUMENT REQUEST NO. 11:

All documents concerning use of Respondent's Mark in 2006 on (a) nail polish; (b) lipstick; (c) lip-gloss; (d) eye-liner; (e) lip-liner; (f) eye shadow; (g) face powder; (h) blush; (i) mascara sold under Respondent's Mark, including but not limited to purchase orders placed by Respondent, confirmations, manufacturing, shipping and customs records, orders for product from customers, Respondent's invoices, cancelled checks or other proof of payment and all internal accounting documents and records.

RESPONSE TO DOCUMENT REQUEST NO. 11:

Respondent objects to this Request for the reasons set forth in the General Objections and specifically to the extent that it is overly broad, unduly burdensome. Respondent further objects to this Request on the ground that it seeks documents and information that is neither relevant nor at issue in this proceeding nor relevant to the claims or defenses of either party. Subject to and without waiving the forgoing objections, Respondent responds that there are no documents responsive to this request in its possession, custody or control.

DOCUMENT REQUEST NO. 12:

All documents concerning use of Respondent's Mark in 2007 on (a) nail polish; (b) lipstick; (c) lip-gloss; (d) eye-liner; (e) lip-liner; (f) eye shadow; (g) face powder; (h) blush; (i) mascara sold under Respondent's Mark, including but not limited to purchase orders placed by Respondent, confirmations, manufacturing, shipping and customs records, orders for product from customers, Respondent's invoices, cancelled checks or other proof of payment and all

internal accounting documents and records.

RESPONSE TO DOCUMENT REQUEST NO. 12:

Respondent objects to this Request for the reasons set forth in the General Objections and specifically to the extent that it is overly broad, unduly burdensome. Respondent further objects to this Request on the ground that it seeks documents and information that is neither relevant nor at issue in this proceeding nor relevant to the claims or defenses of either party. Subject to and without waiving the forgoing objections, Respondent responds that there are no documents responsive to this request in its possession, custody or control.

DOCUMENT REQUEST NO. 13:

All documents concerning use of Respondent's Mark in 2008 on (a) nail polish; (b) lipstick; (c) lip-gloss; (d) eye-liner; (e) lip-liner; (f) eye shadow; (g) face powder; (h) blush; (i) mascara sold under Respondent's Mark, including but not limited to purchase orders placed by Respondent, confirmations, manufacturing, shipping and customs records, orders for product from customers, Respondent's invoices, cancelled checks or other proof of payment and all internal accounting documents and records.

RESPONSE TO DOCUMENT REQUEST NO. 13:

Respondent objects to this Request for the reasons set forth in the General Objections and specifically to the extent that it is overly broad, unduly burdensome. Respondent further objects to this Request on the ground that it seeks documents and information that is neither relevant nor at issue in this proceeding nor relevant to the claims or defenses of either party. Subject to and without waiving the forgoing objections, Respondent responds that there are no documents

responsive to this request in its possession, custody or control.

DOCUMENT REQUEST NO. 14:

All documents concerning use of Respondent,,s Mark in 2009 on (a) nail polish; (b) lipstick; (c) lip-gloss; (d) eye-liner; (e) lip-liner; (f) eye shadow; (g) face powder; (h) blush; (i) mascara sold under Respondent"s Mark, including but not limited to purchase orders placed by Respondent, confirmations, manufacturing, shipping and customs records, orders for product from customers, Respondent,,s invoices, cancelled checks or other proof of payment and all internal accounting documents and records.

RESPONSE TO DOCUMENT REQUEST NO. 14:

Respondent objects to this Request for the reasons set forth in the General Objections and specifically to the extent that it is overly broad, unduly burdensome. Respondent further objects to this Request on the ground that it seeks documents and information that is neither relevant nor at issue in this proceeding nor relevant to the claims or defenses of either party. Subject to and without waiving the forgoing objections, Respondent responds that there are no documents responsive to this request in its possession, custody or control.

DOCUMENT REQUEST NO. 15:

All documents concerning use of Respondent,,s Mark in 2010 on (a) nail polish; (b) lipstick; (c) lip-gloss; (d) eye-liner; (e) lip-liner; (f) eye shadow; (g) face powder; (h) blush; (i) mascara sold under Respondent"s Mark, including but not limited to purchase orders placed by Respondent, confirmations, manufacturing, shipping and customs records, orders for product from customers, Respondent,,s invoices, cancelled checks or other proof of payment and all internal accounting documents and records.

RESPONSE TO DOCUMENT REQUEST NO. 15:

Respondent objects to this Request for the reasons set forth in the General Objections and specifically to the extent that it is overly broad, unduly burdensome. Respondent further objects to this Request on the ground that it seeks documents and information that is neither relevant nor at issue in this proceeding nor relevant to the claims or defenses of either party. Subject to and without waiving the forgoing objections, Respondent responds that there are no documents responsive to this request in its possession, custody or control.

DOCUMENT REQUEST NO. 16:

All documents concerning use of Respondent's Mark in 2011 on (a) nail polish; (b) lipstick; (c) lip-gloss; (d) eye-liner; (e) lip-liner; (f) eye shadow; (g) face powder; (h) blush; (i) mascara sold under Respondent's Mark, including but not limited to purchase orders placed by Respondent, confirmations, manufacturing, shipping and customs records, orders for product from customers, Respondent's invoices, cancelled checks or other proof of payment and all internal accounting documents and records.

RESPONSE TO DOCUMENT REQUEST NO. 16:

Respondent objects to this Request for the reasons set forth in the General Objections and specifically to the extent that it is overly broad, unduly burdensome. Respondent further objects to this Request on the ground that it seeks documents and information that is neither relevant nor at issue in this proceeding nor relevant to the claims or defenses of either party. Subject to and without waiving the forgoing objections, Respondent responds that there are no documents responsive to this request in its possession, custody or control.

DOCUMENT REQUEST NO. 17:

All documents concerning use of Respondent's Mark in 2012 on (a) nail polish; (b) lipstick; (c) lip-gloss; (d) eye-liner; (e) lip-liner; (f) eye shadow; (g) face powder; (h) blush; (i) mascara sold under Respondent's Mark, including but not limited to purchase orders placed by Respondent, confirmations, manufacturing, shipping and customs records, orders for product from customers, Respondent's invoices, cancelled checks or other proof of payment and all internal accounting documents and records.

RESPONSE TO DOCUMENT REQUEST NO. 17:

Respondent objects to this Request for the reasons set forth in the General Objections and specifically to the extent that it is overly broad, unduly burdensome. Respondent further objects to this Request on the ground that it seeks documents and information that is neither relevant nor at issue in this proceeding nor relevant to the claims or defenses of either party. Subject to and without waiving the forgoing objections, Respondent responds that there are no documents responsive to this request in its possession, custody or control.

DOCUMENT REQUEST NO. 18:

All invoices and purchase orders showing sales of each of the goods bearing Respondent's Mark each year since 2001 broken down by year.

RESPONSE TO DOCUMENT REQUEST NO. 18:

Respondent objects to this Request for the reasons set forth in the General Objections and specifically to the extent that it is overly broad, unduly burdensome. Respondent further objects to this Request on the ground that it seeks documents and information that is neither relevant nor at issue in this proceeding nor relevant to the claims or defenses of either party. Subject to and

without waiving the forgoing objections, Respondent responds that there are no documents responsive to this request in its possession, custody or control.

DOCUMENT REQUEST NO. 19:

All shipping documents for each of Respondent,,s Goods bearing Respondent,,s Mark each year since 2001 broken down by year.

RESPONSE TO DOCUMENT REQUEST NO. 19:

Respondent objects to this Request for the reasons set forth in the General Objections and specifically to the extent that it is overly broad, unduly burdensome. Respondent further objects to this Request on the ground that it seeks documents and information that is neither relevant nor at issue in this proceeding nor relevant to the claims or defenses of either party. Subject to and without waiving the forgoing objections, Respondent responds that there are no documents responsive to this request in its possession, custody or control.

DOCUMENT REQUEST NO. 20:

All documents sufficient to identify all former, current or prospective direct customers of Respondent,,s Goods bearing Respondent,,s Mark from the first sale of said products, and all documents sent to or received from such direct customers.

RESPONSE TO DOCUMENT REQUEST NO. 20:

Respondent objects to this Request for the reasons set forth in the General Objections and specifically to the extent that it is overly broad, unduly burdensome. Respondent further objects to this Request on the ground that it seeks documents and information that is neither relevant nor at issue in this proceeding nor relevant to the claims or defenses of either party. Subject to and without waiving the forgoing objections, Respondent responds that there are no documents

responsive to this request in its possession, custody or control.

DOCUMENT REQUEST NO. 21:

All documents concerning the current inventory of all Respondent,,s Goods in Respondent,,s possession bearing Respondent,,s Marks in units and dollars, separated by type of good (e.g., nail polish, lipstick, lip-gloss, eye-liner, lip-liner, eye shadow, face powder, blush, mascara, etc.)

RESPONSE TO DOCUMENT REQUEST NO. 21:

Respondent objects to this Request for the reasons set forth in the General Objections and specifically to the extent that it is overly broad, unduly burdensome. Respondent further objects to this Request on the ground that it seeks documents and information that is neither relevant nor at issue in this proceeding nor relevant to the claims or defenses of either party. Subject to and without waiving the forgoing objections, Respondent responds that there are no documents responsive to this request in its possession, custody or control.

DOCUMENT REQUEST NO. 22:

All documents concerning Respondent,,s knowledge of the existence and/or activities of Petitioner.

RESPONSE TO DOCUMENT REQUEST NO. 22:

Respondent objects to this Request for the reasons set forth in the General Objections and specifically to the extent that it is overly broad, unduly burdensome, vague, confusing, and ambiguous. Subject to and without waiving the forgoing objections, Respondent responds that there are no documents responsive to this request in its possession, custody or control.

DOCUMENT REQUEST NO. 23:

All documents sufficient to illustrate the date when the website associated with the domain name gagapureplatinum.com was launched.

RESPONSE TO DOCUMENT REQUEST NO. 23:

Respondent objects to this Request for the reasons set forth in the General Objections and specifically to the extent that it is overly broad, unduly burdensome. Respondent further objects to this Request on the ground that it seeks documents and information that is neither relevant nor at issue in this proceeding nor relevant to the claims or defenses of either party. Subject to and without waiving the forgoing objections, Respondent responds that there are no documents responsive to this request in its possession, custody or control.

DOCUMENT REQUEST NO. 24:

All documents, including but not limited to all contracts, licenses, agreements, with web developers for the website associated with the domain name gagapureplatinum.com.

RESPONSE TO DOCUMENT REQUEST NO. 24:

Respondent objects to this Request for the reasons set forth in the General Objections and specifically to the extent that it is overly broad, unduly burdensome and are not reasonably calculated to lead to the discovery of admissible evidence. Respondent further objects to this Request on the ground that it seeks documents and information that is neither relevant nor at issue in this proceeding nor relevant to the claims or defenses of either party.

DOCUMENT REQUEST NO. 25:

All documents concerning the design and layout of the website associated with the domain name gagapureplatinum.com.

RESPONSE TO DOCUMENT REQUEST NO. 25:

Respondent objects to this Request for the reasons set forth in the General Objections and specifically to the extent that it is overly broad, unduly burdensome and are not reasonably calculated to lead to the discovery of admissible evidence. Respondent further objects to this Request on the ground that it seeks documents and information that is neither relevant nor at issue in this proceeding nor relevant to the claims or defenses of either party.

DOCUMENT REQUEST NO. 26:

All documents concerning the website gagapureplatinum.com.

RESPONSE TO DOCUMENT REQUEST NO. 26:

Respondent objects to this Request for the reasons set forth in the General Objections and specifically to the extent that it is overly broad, unduly burdensome, vague and confusing. Respondent further objects to this Request on the ground that it seeks documents and information that is neither relevant nor at issue in this proceeding nor relevant to the claims or defenses of either party.

DOCUMENT REQUEST NO. 27:

All documents concerning the sale of products on zela.com

RESPONSE TO DOCUMENT REQUEST NO. 27:

Respondent objects to this Request for the reasons set forth in the General Objections and specifically to the extent that it is overly broad, unduly burdensome, vague, ambiguous and confusing. Respondent further objects to this Request on the ground that it seeks documents and information that is neither relevant nor at issue in this proceeding nor relevant to the claims or defenses of either party. Subject to and without waiving the forgoing objections, Respondent

responds that there are no documents responsive to this Request in its possession, custody, or control.

DOCUMENT REQUEST NO. 28:

All documents sufficient to show relationship between Respondent and Zela International.

RESPONSE TO DOCUMENT REQUEST NO. 28:

Respondent objects to this Request for the reasons set forth in the General Objections and specifically to the extent that it is overly broad, unduly burdensome and are not reasonably calculated to lead to the discovery of admissible evidence. Respondent further objects to this Request on the ground that it seeks documents and information that is neither relevant nor at issue in this proceeding nor relevant to the claims or defenses of either party.

DOCUMENT REQUEST NO. 29:

All documents concerning the sale of Respondent's Goods by Zela.com or Zela International.

RESPONSE TO DOCUMENT REQUEST NO. 29:

Respondent objects to this Request for the reasons set forth in the General Objections and specifically to the extent that it is overly broad, unduly burdensome and confusing. Respondent further objects to this Request on the ground that it seeks documents and information that is neither relevant nor at issue in this proceeding nor relevant to the claims or defenses of either party. Subject to and without waiving the forgoing objections, Respondent responds that there are no documents responsive to this Request in its possession, custody, or control.

DOCUMENT REQUEST NO. 30:

All documents sufficient to show the registration date of the Facebook account for GAGA PURE PLATINUM.

RESPONSE TO DOCUMENT REQUEST NO. 30:

Respondent objects to this Request for the reasons set forth in the General Objections and specifically to the extent that it is overly broad, unduly burdensome and are not reasonably calculated to lead to the discovery of admissible evidence. Respondent further objects to this Request on the ground that it seeks documents and information that is neither relevant nor at issue in this proceeding nor relevant to the claims or defenses of either party.

DOCUMENT REQUEST NO. 31:

All documents concerning any application Respondent filed with the USPTO in connection with Respondent's Mark.

RESPONSE TO DOCUMENT REQUEST NO. 31:

Respondent objects to this Request for the reasons set forth in the General Objections and specifically to the extent that it is overly broad, unduly burdensome and harassing and that the information is publicly available and/or equally available to Petitioner. Respondent further objects to this Request on the ground that it seeks documents and information that is neither relevant nor at issue in this proceeding nor relevant to the claims or defenses of either party.

DOCUMENT REQUEST NO. 32:

All documents concerning Respondent's creation, selection or adoption of its Mark, including but not limited to any marketing studies, search reports, opinions, trademark or copyright registration searches, investigations or advice created for or rendered to Respondent.

RESPONSE TO DOCUMENT REQUEST NO. 32:

Respondent objects to this Request for the reasons set forth in the General Objections and specifically to the extent that it is overly broad, unduly burdensome and harassing. Respondent further objects to this Request on the ground that it seeks documents and information that is neither relevant nor at issue in this proceeding nor relevant to the claims or defenses of either party. Subject to and without waiving the forgoing objections, Respondent responds that there are no documents responsive to this Request in its possession, custody, or control.

DOCUMENT REQUEST NO. 33:

All documents concerning Respondent,,s uses and/or intended uses for Respondent,,s Mark in the United States.

RESPONSE TO DOCUMENT REQUEST NO. 33:

Respondent objects to this Request for the reasons set forth in the General Objections and specifically to the extent that it is overly broad, unduly burdensome, and confusing. Respondent further objects to this Request on the ground that it seeks documents and information that is neither relevant nor at issue in this proceeding nor relevant to the claims or defenses of either party.

DOCUMENT REQUEST NO. 34:

All documents concerning Respondent,,s first use of Respondent,,s Mark in commerce including the date of first sale.

RESPONSE TO DOCUMENT REQUEST NO. 34:

Respondent objects to this Request for the reasons set forth in the General Objections and specifically to the extent that it is overly broad, unduly burdensome. Respondent further objects

to this Request on the ground that it seeks documents and information that is neither relevant nor at issue in this proceeding nor relevant to the claims or defenses of either party. Subject to and without waiving the forgoing objections, Respondent responds that there are no documents responsive to this Request in its possession, custody, or control.

DOCUMENT REQUEST NO. 35:

Samples of each of Respondent's Goods sold or offered for sale under Respondent's Mark.

RESPONSE TO DOCUMENT REQUEST NO. 35:

Respondent objects to this Request for the reasons set forth in the General Objections and specifically to the extent that it is overly broad, unduly burdensome and harassing and that the information is publicly available and/or equally available to Petitioner. Subject to and without waiving the forgoing objections, Respondent responds that a variety of Respondent's cosmetic samples including one piece of each of the following below are annexed hereto as Exhibit B – Box of Samples Document Request No. 35.

1. GAGA PURE PLATINUM® ART DÉCORATIF LIPSTICK IN SPRING LOVE
2. GAGA PURE PLATINUM® STAR CONCEALER IN LIGHT
3. GAGA PURE PLATINUM® ETHEREAL FINISH MASCARA
4. GAGA PURE PLATINUM® 58 FACETS BRILLIANT LIP GLOSS
5. GAGA PURE PLATINUM® NAIL COSMETIC IN AVEC MOI
6. GAGA PURE PLATINUM® NEO-POP™ CREAM BLUSH IN SHOW ME
7. GAGA PURE PLATINUM® ETERNALLY CHIC SET BOX

DOCUMENT REQUEST NO. 36:

All documents sufficient to identify the target consumers for Respondent's Goods sold under Respondent's Mark including but not limited to marketing studies, research reports, consumer correspondence, consumer surveys, opinions and investigations.

RESPONSE TO DOCUMENT REQUEST NO. 36:

Respondent objects to this Request for the reasons set forth in the General Objections and specifically to the extent that it is overly broad, unduly burdensome. Respondent further objects to this Request on the ground that it seeks documents and information that is neither relevant nor at issue in this proceeding nor relevant to the claims or defenses of either party. Subject to and without waiving the forgoing objections, Respondent responds that there are no documents responsive to this Request in its possession, custody, or control.

DOCUMENT REQUEST NO. 37:

All documents concerning the creation, selection, manufacture and/or development of any of Respondent's Goods made under Respondent's Mark.

RESPONSE TO DOCUMENT REQUEST NO. 37:

Respondent objects to this Request for the reasons set forth in the General Objections and specifically to the extent that it is overly broad, unduly burdensome. Respondent further objects to this Request on the ground that it seeks documents and information that is neither relevant nor at issue in this proceeding nor relevant to the claims or defenses of either party. Subject to and without waiving the forgoing objections, Respondent responds that there are no documents responsive to this Request in its possession, custody, or control.

DOCUMENT REQUEST NO. 38:

All documents sufficient to identify the goods that are sold, will be sold or are in development to be sold under Respondent,,s Mark, whether or not currently in use in commerce.

RESPONSE TO DOCUMENT REQUEST NO. 38:

Respondent objects to this Request for the reasons set forth in the General Objections and specifically to the extent that it is overly broad, unduly burdensome. Respondent further objects to this Request on the ground that it seeks documents and information that is neither relevant nor at issue in this proceeding nor relevant to the claims or defenses of either party. Subject to and without waiving the forgoing objections, Respondent responds that there are no documents responsive to this Request in its possession, custody, or control.

DOCUMENT REQUEST NO. 39:

All documents sufficient to identify any and all former, current or prospective retailers, wholesalers or other sellers and/or distributors and sellers of any of Respondent,,s Goods sold under Respondent,,s Marks.

RESPONSE TO DOCUMENT REQUEST NO. 39:

Respondent objects to this Request for the reasons set forth in the General Objections and specifically to the extent that it is overly broad, unduly burdensome. Respondent further objects to this Request on the ground that it seeks documents and information that is neither relevant nor at issue in this proceeding nor relevant to the claims or defenses of either party. Subject to and without waiving the forgoing objections, Respondent responds that there are no documents responsive to this Request in its possession, custody, or control.

DOCUMENT REQUEST NO. 40:

All documents sufficient to identify the geographic regions of the United States in which any of Respondent,,s Goods sold under Respondent,,s Marks are currently offered for sale or will be offered for sale.

RESPONSE TO DOCUMENT REQUEST NO. 40:

Respondent objects to this Request for the reasons set forth in the General Objections and specifically to the extent that it is overly broad, unduly burdensome. Respondent further objects to this Request on the ground that it seeks documents and information that is neither relevant nor at issue in this proceeding nor relevant to the claims or defenses of either party. Subject to and without waiving the forgoing objections, Respondent responds that there are no documents responsive to this Request in its possession, custody, or control.

DOCUMENT REQUEST NO. 41:

All documents sufficient to identify any and all domain names registered by or on behalf of Respondent incorporating Respondent,,s Mark, including but not limited to applications, registrations, agreements, correspondence and e-mails.

RESPONSE TO DOCUMENT REQUEST NO. 41:

Respondent objects to this Request for the reasons set forth in the General Objections and specifically to the extent that it is overly broad, unduly burdensome. Respondent further objects to this Request on the ground that it seeks documents and information that is neither relevant nor at issue in this proceeding nor relevant to the claims or defenses of either party. Subject to and without waiving the forgoing objections, Respondent responds that the electronic document printed from www.internic.com responsive to this request showing registration of domain name www.gagapureplatinum.com is annexed hereto as Exhibit C – Document Request No 41.

DOCUMENT REQUEST NO. 42:

Copies of all advertising and promotional materials including, but not limited to, pamphlets, promotional materials, labels, signage, business cards, letterhead or invoices, used in the United States or proposed to be used in the United States, in connection with the sale of Respondent,,s Goods bearing Respondent,,s Marks.

RESPONSE TO DOCUMENT REQUEST NO. 42:

Respondent objects to this Request for the reasons set forth in the General Objections and specifically to the extent that it is overly broad, unduly burdensome. Respondent further objects to this Request on the ground that it seeks documents and information that is neither relevant nor at issue in this proceeding nor relevant to the claims or defenses of either party.

DOCUMENT REQUEST NO. 43:

All documents concerning publicity for Respondent,,s Mark in the United States, including, but not limited to, press releases, brochures, flyers, advertisements and promotional literature, whether published in print, broadcast or electronic form.

RESPONSE TO DOCUMENT REQUEST NO. 43:

Respondent objects to this Request for the reasons set forth in the General Objections and specifically to the extent that it is overly broad, unduly burdensome. Respondent further objects to this Request on the ground that it seeks documents and information that is neither relevant nor at issue in this proceeding nor relevant to the claims or defenses of either party.

DOCUMENT REQUEST NO. 44:

All documents concerning publicity for Respondent,,s Goods in the United States, including, but not limited to, press releases, brochures, flyers, advertisements and promotional

literature, whether published in print, broadcast or electronic form

RESPONSE TO DOCUMENT REQUEST NO. 44:

Respondent objects to this Request for the reasons set forth in the General Objections and specifically to the extent that it is overly broad, unduly burdensome. Respondent further objects to this Request on the ground that it seeks documents and information that is neither relevant nor at issue in this proceeding nor relevant to the claims or defenses of either party.

DOCUMENT REQUEST NO. 45:

All documents concerning promotional events in the United States sponsored by Respondent involving Respondent's Mark, including but not limited to press and/or launch parties, promotions and social events.

RESPONSE TO DOCUMENT REQUEST NO. 45:

Respondent objects to this Request for the reasons set forth in the General Objections and specifically to the extent that it is overly broad, unduly burdensome. Respondent further objects to this Request on the ground that it seeks documents and information that is neither relevant nor at issue in this proceeding nor relevant to the claims or defenses of either party.

DOCUMENT REQUEST NO. 46:

All documents concerning consumer recognition of Respondent's Mark in the United States.

RESPONSE TO DOCUMENT REQUEST NO. 46:

Respondent objects to this Request for the reasons set forth in the General Objections and specifically to the extent that it is overly broad, unduly burdensome. Respondent further objects to this Request on the ground that it seeks documents and information that is neither relevant nor

at issue in this proceeding nor relevant to the claims or defenses of either party. Subject to and without waiving the forgoing objections, Respondent responds that there are no documents responsive to this Request in its possession, custody, or control.

DOCUMENT REQUEST NO. 47:

All documents concerning Respondent,,s business, marketing, and advertising plans and strategies for Respondent,,s Goods sold under Respondent,,s Mark, including, but not limited to, and plans to advertise Respondent,,s Goods sold under Respondent,,s Mark on television stations, radio stations, Internet web sites, cable television stations, national television networks, newspapers, magazines, circulars or other media outlets.

RESPONSE TO DOCUMENT REQUEST NO. 47:

Respondent objects to this Request for the reasons set forth in the General Objections and specifically to the extent that it is overly broad, unduly burdensome. Respondent further objects to this Request on the ground that it seeks documents and information that is neither relevant nor at issue in this proceeding nor relevant to the claims or defenses of either party. Subject to and without waiving the forgoing objections, Respondent responds that there are no documents responsive to this Request in its possession, custody, or control.

DOCUMENT REQUEST NO. 48:

All documents sufficient to identify Respondent,,s annual expenses in the United States for its business, marketing, advertising and promotional plans, publicity and strategies concerning Respondent,,s Mark from the date of inception to the present.

RESPONSE TO DOCUMENT REQUEST NO. 48:

Respondent objects to this Request for the reasons set forth in the General Objections and

specifically to the extent that it is overly broad, unduly burdensome. Respondent further objects to this Request on the ground that it seeks documents and information that is neither relevant nor at issue in this proceeding nor relevant to the claims or defenses of either party. Subject to and without waiving the forgoing objections, Respondent responds that there are no documents responsive to this Request in its possession, custody, or control.

DOCUMENT REQUEST NO. 49:

All documents concerning communications with any outside consultants concerning Respondent,,s Mark including but not limited to correspondence to or from publicity firms, public relations agents, advertising agencies, sales agencies, marketing firms and other consulting firms.

RESPONSE TO DOCUMENT REQUEST NO. 49:

Respondent objects to this Request for the reasons set forth in the General Objections and specifically to the extent that it is overly broad, unduly burdensome. Respondent further objects to this Request on the ground that it seeks documents and information that is neither relevant nor at issue in this proceeding nor relevant to the claims or defenses of either party. Subject to and without waiving the forgoing objections, Respondent responds that there are no documents responsive to this Request in its possession, custody, or control.

DOCUMENT REQUEST NO. 50:

Representative samples of each piece of advertising or promotional material or proposed advertising or promotional material showing use of Respondent,,s Mark in connection with Respondent,,s Goods, including a page (if applicable) that identifies the medium and date of publication of such advertisement or promotion.

RESPONSE TO DOCUMENT REQUEST NO. 50:

Respondent objects to this Request for the reasons set forth in the General Objections and specifically to the extent that it is overly broad, unduly burdensome. Respondent further objects to this Request on the ground that it seeks documents and information that is neither relevant nor at issue in this proceeding nor relevant to the claims or defenses of either party. Subject to and without waiving the forgoing objections, Respondent responds that there are no documents responsive to this Request in its possession, custody, or control.

DOCUMENT REQUEST NO. 51:

All documents concerning unsolicited media attention in the United States received by Respondent in connection with Respondent,,s Mark, including, but not limited to, magazine and newspaper articles, broadcast media and electronic publications in the past year.

RESPONSE TO DOCUMENT REQUEST NO. 51:

Respondent objects to this Request for the reasons set forth in the General Objections and specifically to the extent that it is overly broad, unduly burdensome. Respondent further objects to this Request on the ground that it seeks documents and information that is neither relevant nor at issue in this proceeding nor relevant to the claims or defenses of either party. Subject to and without waiving the forgoing objections, Respondent responds that there are no documents responsive to this Request in its possession, custody, or control.

DOCUMENT REQUEST NO. 52:

All documents showing, discussing, concerning and/or comparing Respondent,,s Goods to the goods of any competitor or any other person or entity offering goods comparable to Respondent,,s Goods

RESPONSE TO DOCUMENT REQUEST NO. 52:

Respondent objects to this Request for the reasons set forth in the General Objections and specifically to the extent that it is overly broad, unduly burdensome. Respondent further objects to this Request on the ground that it seeks documents and information that is neither relevant nor at issue in this proceeding nor relevant to the claims or defenses of either party. Subject to and without waiving the forgoing objections, Respondent responds that there are no documents responsive to this Request in its possession, custody, or control.

DOCUMENT REQUEST NO. 53:

All documents concerning the intended purchaser(s) of Respondent,,s Goods, bearing Respondent,,s Mark.

RESPONSE TO DOCUMENT REQUEST NO. 53:

Respondent objects to this Request for the reasons set forth in the General Objections and specifically to the extent that it is overly broad, unduly burdensome. Respondent further objects to this Request on the ground that it seeks documents and information that is neither relevant nor at issue in this proceeding nor relevant to the claims or defenses of either party. Subject to and without waiving the forgoing objections, Respondent responds that there are no documents responsive to this Request in its possession, custody, or control.

DOCUMENT REQUEST NO. 54:

All documents concerning the licensing or assignment of any trademark, copyright, domain name or contractual rights in Respondent,,s Mark or prospective licensing or assignment of any trademark, copyright or contractual rights for Respondent,,s Mark to any third party.

RESPONSE TO DOCUMENT REQUEST NO. 54:

Respondent objects to this Request for the reasons set forth in the General Objections and specifically to the extent that it is overly broad, unduly burdensome. Respondent further objects to this Request on the ground that it seeks documents and information that is neither relevant nor at issue in this proceeding nor relevant to the claims or defenses of either party. Subject to and without waiving the forgoing objections, Respondent responds that there are no documents responsive to this Request in its possession, custody, or control.

DOCUMENT REQUEST NO. 55:

All documents reflecting past, present and potential agents, licensees, joint venture partners, sponsors or promoters, hired by or on behalf of Respondent in connection with Respondent,,s Goods offered under Respondent,,s Mark.

RESPONSE TO DOCUMENT REQUEST NO. 55:

Respondent objects to this Request for the reasons set forth in the General Objections and specifically to the extent that it is overly broad, unduly burdensome. Respondent further objects to this Request on the ground that it seeks documents and information that is neither relevant nor at issue in this proceeding nor relevant to the claims or defenses of either party. Subject to and without waiving the forgoing objections, Respondent responds that there are no documents responsive to this Request in its possession, custody, or control.

DOCUMENT REQUEST NO. 56:

All documents, including, but not limited to, any studies, reports, analysis, and/or communications prepared by or for Respondent, concerning Respondent,,s Goods.

RESPONSE TO DOCUMENT REQUEST NO. 56:

Respondent objects to this Request for the reasons set forth in the General Objections and specifically to the extent that it is overly broad, unduly burdensome. Respondent further objects to this Request on the ground that it seeks documents and information that is neither relevant nor at issue in this proceeding nor relevant to the claims or defenses of either party. Subject to and without waiving the forgoing objections, Respondent responds that there are no documents responsive to this Request in its possession, custody, or control.

DOCUMENT REQUEST NO. 57:

All documents concerning any goods in International Class 3 that are offered for sale or sold by any third party and which use the term GAGA or any term substantially similar thereto including, but not limited to, in the name of the product and/or, packaging of the product.

RESPONSE TO DOCUMENT REQUEST NO. 57:

Respondent objects to this Request for the reasons set forth in the General Objections and specifically to the extent that it is overly broad, unduly burdensome, confusing and incomprehensible. Respondent further objects to this Request on the ground that it seeks documents and information that is neither relevant nor at issue in this proceeding nor relevant to the claims or defenses of either party. Subject to and without waiving the forgoing objections, Respondent responds that there are no documents responsive to this Request in its possession, custody, or control.

DOCUMENT REQUEST NO. 58:

All documents concerning Respondent,,s efforts to enforce Respondent,,s Mark.

RESPONSE TO DOCUMENT REQUEST NO. 58:

Respondent objects to this Request for the reasons set forth in the General Objections and specifically to the extent that it is overly broad, unduly burdensome, confusing, vague and ambiguous. Respondent further objects to this request as it seeks information that is already in the possession of the Petitioner, equally available to Petitioner, publicly available and is a matter of public record. Subject to and without waiving the forgoing objections, Respondent responds that Respondent has filed the following documents with the USPTO in an effort to enforce Respondent's Mark and are annexed hereto as Exhibit D.

- 1) Respondent's Letter of Protest filed against Application Serial Number 85115004 for the mark Lady Gaga due to likelihood of confusion and accepted by the USPTO on November 5, 2010.
- 2) Respondent's Letter of Protest filed against Application Serial Number 85215017 for the mark Haus of Gaga due to likelihood of confusion and accepted by USPTO on March 31, 2011.
- 3) Respondent's Letter of Protest filed against Application Serial Number 85282752 for the mark Lady Gaga Fame due to likelihood of confusion and accepted by USPTO on August 29, 2011.
- 4) Respondent's Initial 30 Day Request for Extension of Time To Oppose Application Serial Number 85215017 for the mark Haus of Gaga filed and granted by the USPTO on February 1, 2012
- 5) Respondent's 60 Day Request for Extension of Time To Oppose Application Serial Number 85215017 for the mark Haus of Gaga filed and granted by the USPTO on February 29, 2012.
- 6) Respondent's Notice of Opposition No. 91205046 filed with the USPTO on May 1, 2012.

DOCUMENT REQUEST NO. 59:

All documents concerning any allegations of infringement of Respondent's Mark or lawsuits filed which allege infringement of Respondent's Mark, against any individual or entity.

RESPONSE TO DOCUMENT REQUEST NO. 59:

Respondent objects to this Request for the reasons set forth in the General Objections and specifically to the extent that it is overly broad, unduly burdensome, confusing. Respondent further objects to this request as it seeks information that is already in the possession of the Petitioner, equally available to Petitioner, publicly available and is a matter of public record. Subject to and without waiving the forgoing objections, Respondent responds that documents responsive to this request were provided above as Exhibit D. Please refer to Exhibit D.

DOCUMENT REQUEST NO. 60:

All documents concerning Respondent's denials in the Answer.

RESPONSE TO DOCUMENT REQUEST NO. 60:

Respondent objects to this Request for the reasons set forth in the General Objections and specifically to the extent that it is overly broad, unduly burdensome and harassing. Respondent also objects to this request on the ground that it is premature at this stage of the proceeding.

DOCUMENT REQUEST NO. 61:

All documents concerning any coexistence agreements concerning Respondent's Mark to which Respondent is a party.

RESPONSE TO DOCUMENT REQUEST NO. 61:

Respondent objects to this Request for the reasons set forth in the General Objections and specifically to the extent that it is overly broad, unduly burdensome. Respondent further objects

to this Request on the ground that it seeks documents and information that is neither relevant nor at issue in this proceeding nor relevant to the claims or defenses of either party. Subject to and without waiving the forgoing objections, Respondent responds that there are no documents responsive to this Request in its possession, custody, or control.

DOCUMENT REQUEST NO. 62:

All documents reviewed and/or relied upon in drafting the Answer.

RESPONSE TO DOCUMENT REQUEST NO. 62:

Respondent objects to this Request for the reasons set forth in the General Objections and specifically to the extent that it is overly broad, unduly burdensome and harassing.

DOCUMENT REQUEST NO. 63:

All documents sufficient to identify all persons with knowledge or information concerning the subject matter of this Action.

RESPONSE TO DOCUMENT REQUEST NO. 63

Respondent objects to this Request for the reasons set forth in the General Objections and specifically to the extent that it is vague, confusing, overly broad, unduly burdensome and unintelligible. Subject to and without waiving the forgoing objections, Respondent responds that there are no documents responsive to this Request in its possession, custody, or control.

DOCUMENT REQUEST NO. 64:

All documents sufficient to show Respondent,,s revenue of sale of each of Respondent,,s Goods in Class 3 in the United States each year from the date of first use.

RESPONSE TO DOCUMENT REQUEST NO. 64

Respondent objects to this Request for the reasons set forth in the General Objections and specifically to the extent that it is overly broad, unduly burdensome. Respondent further objects to this Request on the ground that it seeks documents and information that is neither relevant nor at issue in this proceeding nor relevant to the claims or defenses of either party. Subject to and without waiving the forgoing objections, Respondent responds that there are no documents responsive to this Request in its possession, custody, or control.

DOCUMENT REQUEST NO. 65:

All documents concerning registration of the domain name gagapureplatinum.com

RESPONSE TO DOCUMENT REQUEST NO. 65:

Respondent objects to this Request for the reasons set forth in the General Objections and specifically to the extent that it is overly broad, unduly burdensome, confusing and vague. Respondent further objects to this request as it seeks information that is equally available to Petitioner, publicly available and is a matter of public record. Subject to and without waiving the forgoing objections, Respondent responds that the document responsive to this request was already provided above as Exhibit C. Please refer to Exhibit C.

DOCUMENT REQUEST NO. 66:

All documents concerning any press releases concerning this Action or concerning the dispute between Petitioner and Respondent.

RESPONSE TO DOCUMENT REQUEST NO. 66:

Respondent objects to this Request for the reasons set forth in the General Objections and specifically to the extent that it is vague, confusing, and ambiguous. Respondent further objects

to this Request on the ground that it seeks documents and information that is neither relevant nor at issue in this proceeding nor relevant to the claims or defenses of either party. Subject to and without waiving the forgoing objections, Respondent responds that there are no documents responsive to this Request in its possession, custody, or control.

DOCUMENT REQUEST NO. 67:

All documents concerning the decision to issue a press release concerning this Action or concerning the dispute between Plaintiff and Defendant in general.

RESPONSE TO DOCUMENT REQUEST NO. 67:

Respondent objects to this Request for the reasons set forth in the General Objections and specifically to the extent that it is vague, confusing, and ambiguous. Respondent further objects to this Request on the ground that it seeks documents and information that is neither relevant nor at issue in this proceeding nor relevant to the claims or defenses of either party. Subject to and without waiving the forgoing objections, Respondent responds there are no documents responsive to this Request in its possession, custody, or control

DOCUMENT REQUEST NO. 68:

All documents sufficient to show use in the United States of Respondent's Mark on each item listed in Respondent's Registration, including invoices and the identifies of each and every purchase of Respondent's Goods.

RESPONSE TO DOCUMENT REQUEST NO. 68:

Respondent objects to this Request for the reasons set forth in the General Objections and specifically to the extent that it is overly broad, unduly burdensome and harassing. Respondent further objects to this Request on the ground that it seeks documents and information that is

neither relevant nor at issue in this proceeding nor relevant to the claims or defenses of either party. Subject to and without waiving the forgoing objections, Respondent responds that there are no documents responsive to this request in its possession, custody or control.

DOCUMENT REQUEST NO. 69:

All documents Respondent intends to rely on during the testimony and trial periods in the Action

RESPONSE TO DOCUMENT REQUEST NO. 69:

Respondent objects to this Request for the reasons set forth in the General Objections and specifically to the extent that it is overly broad, unduly burdensome. Respondent also objects to this request on the ground that it is premature at this stage of the proceeding.

DOCUMENT REQUEST NO. 70:

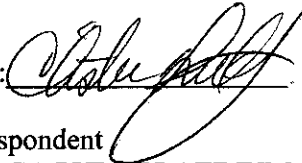
For each expert witness Plaintiff intends to call, a copy of such witness's resume, all documents concerning communications between such witness and Defendant, all documents evidencing any opinion formed by such witness, and all documents relied upon by such witness in forming an opinion as to the substance of such witness's testimony.

RESPONSE TO DOCUMENT REQUEST NO. 70:

Respondent objects to this Request for the reasons set forth in the General Objections and specifically to the extent that it is overly broad, unduly burdensome. Respondent also objects to this request on the ground that it is premature at this stage of the proceeding.

Dated: August 25, 2013

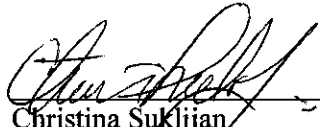
Christina Sukljan

By:  -

Respondent
GAGA PURE PLATINUM
13 Manor Street
Albany, New York 12207

CERTIFICATE OF PROOF OF SERVICE

I hereby certify that I served a copy of the foregoing RESPONDENT'S RESPONSES AND OBJECTIONS TO PETITIONER'S FIRST REQUEST FOR THE PRODUCTION OF DOCUMENTS upon Petitioner Ate My Heart, Inc. by mailing said copy on August 25, 2013 via The United States Postal Service priority mail with signature confirmation in a postage prepaid envelope to Petitioner at the following address: Ate My Heart, Inc. c/o Pryor Cashman LLP, 7 Times Square, New York, NY 10036.


Christina Sukljan
13 Manor Street
Albany, NY 12207

Date of Deposit: August 25, 2012
USPS Priority Mail

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the Matter of U.S Registration No. 2898544
Mark: GAGA PURE PLATINUM

-----X

CHRISTINA SUKLJIAN,	:	
	:	
Opposer,	:	Opposition No. 91205046
	:	
v.	:	
	:	
ATE MY HEART, INC.,	:	
	:	
Applicant.	:	

ATE MY HEART, INC.,	:	
	:	
Petitioner,	:	Cancellation No. 92055279
	:	
v.	:	
	:	
CHRISTINA SUKLJIAN,	:	
	:	
Respondent.	:	

-----X

**RESPONDENT'S RESPONSES AND OBJECTIONS TO PETITIONER'S FIRST SET
OF INTERROGATORIES**

Pursuant to Federal Rules of Civil Procedure 26 and 33, Respondent Christina Sukljian, hereby responds and objects to Petitioner, Ate My Heart Inc.'s, first set of interrogatories in Cancellation No. 92055279 action.

GENERAL OBJECTIONS

Respondent objects to the specific interrogatories, instructions and definitions contained in Petitioner Ate My Heart, Inc.'s First Set of Interrogatories and Respondent makes its objections to specific interrogatories by, among other things, incorporating by reference the following objections as appropriate.

1. Respondent objects to each of Petitioner's Interrogatories, Instructions and Definitions to the extent they purport to impose discovery obligations that differ from or exceed the discovery obligations required by the Federal Rules of Civil Procedure, or the Local Rules of this Court, or other applicable statute, regulation, rule or court order.

2. Respondent objects to each the Petitioner's Interrogatories to the extent that they are overly broad, unduly burdensome, oppressive, and intended to harass and impose excessive expenses.

3. Respondent objects to each of the Petitioner's Interrogatories to the extent that they are vague, ambiguous, confusing, incomprehensible and cumulative.

4. Respondent objects to each of the Petitioner's Interrogatories to the extent that they seek and call for disclosure information that is not relevant to the issues of law and fact in this action or not reasonably calculated to lead to the discovery of admissible evidence.

5. Respondent objects to each of the Petitioner's Interrogatories to the extent that they seek information and disclosure of protected trade secrets, or confidential, or proprietary or privileged information. The inadvertent disclosure of any privileged information shall not be deemed to be a waiver of any applicable privilege with respect to such information or any other information provided.

6. Respondent objects to each of the Petitioner's Interrogatories to the extent that it seeks information that is already in Petitioner's custody, possession or control.

7. Respondent objects to the Petitioner's Interrogatories to the extent that they may be construed to seek information that is unknown to the Respondent or not in the possession, custody, or control of Respondent and to the extent they may be construed to require any search for information beyond one that is limited to the appropriate subject matter files pertinent to the Interrogatories and to the personal knowledge of Respondent, or reasonably believed to have personal involvement in, or knowledge of, the subjects included within the Interrogatories.

8. Respondent objects to each of the Petitioner's Interrogatories to the extent that it seeks information that is equally available to Petitioner, publicly available, is a matter of public record, and/or generated by other entities.

9. By responding to any particular interrogatory, Respondent does not acknowledge or concede that the facts set forth therein, or the predicate underlying such interrogatory, is accurate or truthful in any respect.

10. In responding to the Interrogatories, Respondent neither waives, nor intends to waive, but expressly reserves, any and all objections to the relevance, competence, susceptibility to discovery, materiality, or admissibility of any and all information provided. Inadvertent disclosure of any information which is confidential, proprietary, privileged or objectionable shall not constitute a waiver of any privilege or of any other ground for objection to discovery with respect to such information, or of Respondent's right to object to the use of such information during this proceeding.

11. By not objecting to any particular Interrogatory, Respondent does not concede, imply, or admit that any information responsive to such interrogatory exists.

12. By responding to any particular Interrogatory, Respondent does not acknowledge or concede that the facts set forth therein, or the predicate underlying such interrogatory, is accurate or truthful in any respect.

13. Respondent objects to each Interrogatory that seeks the identity of “any”, “each” or “all” persons or documents and things as such requests are overly broad and unduly burdensome.

14. Respondent responds to each of the Interrogatories based upon information available as of the date hereof and reserve the right to supplement, modify and amend these responses as appropriate. Respondent further reserves the right to introduce into evidence in Cancellation action No. 92055279 materials and information in addition to the information disclosed in response to the interrogatories.

SPECIFIC RESPONSES

INTERROGATORY NO.1

Identify all customers of Respondent’s Goods sold in connection with Respondent’s
Mark each year from 2001 to present broken out by year and Goods.

RESPONSE TO INTERROGATORY NO.1

Respondent objects to this Interrogatory for the reasons set forth in the General
Objections and specifically to the extent that it is overly broad, unduly burdensome, and intended
to harass. Respondent further objects to this Interrogatory to the extent that it seeks information
that is neither relevant nor at issue in this proceeding nor relevant to the claims or defenses of

either party.

INTERROGATORY NO.2

Identify persons having knowledge or information concerning any of the facts Respondent relied on in its Answer or otherwise at issue in this Action, and describe, with respect to each such person: (a) the information that each such person possesses; and (b) his/her relationship to the parties to this action.

RESPONSE TO INTERROGATORY NO.2

Respondent objects to this Interrogatory for the reasons set forth in the General Objections and specifically to the extent that it is confusing, overly broad, unduly burdensome vague and incomprehensible. Subject to and without waiving the forgoing objections Respondent responds that Christina Sukljian is the Respondent in the Cancellation Action No. 92055279.

INTERROGATORY NO.3

Specify the amount of (a) sales; (b) revenues; (c) profits; and (d) advertising and promotional expenditures for all of Respondent's Goods sold that bear Respondent's Mark that have been by Respondent in the United States each year from the first date alleged in the Registration to present broken out by year and Goods.

RESPONSE TO INTERROGATORY NO.3

Respondent objects to this Interrogatory for the reasons set forth in the General Objections and specifically to the extent that it is overly broad and unduly burdensome. Respondent further objects to this Interrogatory to the extent that it seeks information that is neither relevant nor at issue in this proceeding nor relevant to the claims or defenses of either party.

INTERROGATORY NO.4

Describe in detail the actual use of Respondent's Marks on Respondent's Goods by identifying each type of item that bears Respondent's Mark and identifying the manner in which Respondent's Mark is affixed to or used in connection with each such item.

RESPONSE TO INTERROGATORY NO.4

Respondent objects to this Interrogatory for the reasons set forth in the General Objections and specifically to the extent that it is overly broad, unduly burdensome and confusing.

INTERROGATORY NO.5

Identify the date of first use in the United States of Respondent's Mark on each item identified in the Registration.

RESPONSE TO INTERROGATORY NO.5

Respondent objects to this Interrogatory for the reasons set forth in the General Objections and specifically to the extent that it is overly broad. Respondent further objects to this Interrogatory to the extent that it seeks information that is publicly available and equally available to Petitioner. Subject to and without waiving the forgoing objections Respondent responds that the date of first use of Respondent's Mark in the United States, as identified in the Registration located on the United States Patent and Trademark Office's website, is identified as first Use in Commerce: Jun. 07, 2001 and First Use: Jul. 23, 2000.

INTERROGATORY NO.6

For each of Respondent's Goods bearing or offered in connection with Respondent's Mark in the United States, please state the following:

- (a) Respondent's channels of trade, including all former, current or prospective retail establishments, wholesale establishments and websites;
- (b) Respondent's targeted consumer group and/or targeted demographics;
- (c) The price points at which Respondent's Goods bearing Respondent's Mark are sold to consumers; and
- (d) The amount of money Respondent has earmarked or dedicated to the manufacture and, separately, the promotion of the Respondent's Goods bearing Respondent's Mark for 2012.

RESPONSE TO INTERROGATORY NO.6

Respondent objects to this Interrogatory for the reasons set forth in the General Objections and specifically to the extent that it is overly broad and unduly burdensome. Respondent further objects to this Interrogatory to the extent that it seeks information that is neither relevant nor at issue in this proceeding nor relevant to the claims or defenses of either party. Subject to and without waiving the forgoing objections Respondent states the Interrogatories listed above in (a) is overly broad and unduly burdensome, however Respondent identifies the following current two websites as www.gagapureplatinum.com and www.zela.com (c) \$12.50 - \$22.00.

INTERROGATORY NO.7

For each type of item identified in response to Interrogatory No. 7 above, state Respondent's annual volume of business in the United States by identifying the annual volume of sales in units and dollars from the date of first sale(s) to the date of Respondent's response.

RESPONSE TO INTERROGATORY NO.7

Respondent objects to this Interrogatory for the reasons set forth in the General Objections and specifically to the extent that it is incomprehensible and confusing.

INTERROGATORY NO.8

Identify any and all persons Respondent has authorized, licensed or otherwise granted the right to use Respondent's Marks in commerce in connection with Respondent's Goods. For each person identified, identify the date of commencement and termination of each such authorization, license or grant, and identify any written license agreements or franchise agreements granting rights to use Respondent's Mark.

RESPONSE TO INTERROGATORY NO.8

Respondent objects to this Interrogatory for the reasons set forth in the General Objections and specifically to the extent that it is overly broad and unduly burdensome. Respondent further objects to this Interrogatory to the extent that it seeks information that is neither relevant nor at issue in this proceeding nor relevant to the claims or defenses of either party.

INTERROGATORY NO.9

Identify all cease and desist demand letters and responses thereto, litigations, trademark actions or proceedings, ICANN proceedings and/or other challenges concerning Respondent's Mark in any way. When responding to this interrogatory, include: (a) the dates of such challenge; (b) the third-party mark involved; (c) the adversarial party; and (d) the outcome of each challenge.

RESPONSE TO INTERROGATORY NO.9

Respondent objects to this Interrogatory for the reasons set forth in the General Objections and specifically to the extent that it is overly broad and unduly burdensome. Respondent further objects to this Interrogatory to the extent that it seeks information that is

neither relevant nor at issue in this proceeding nor relevant to the claims or defenses of either party. Subject to and without waiving the forgoing objections Respondent states that no cease and desist demand letters or responses thereto, litigations, trademark actions or ICANN proceedings exist concerning the use of the mark GAGA PURE PLATINUM. Respondent identifies the following USPTO Action: Respondent's Opposition No. 91205046 filed with the USPTO.

INTERROGATORY NO.10

Identify all of Respondent's market competitors for Respondent's Goods and state why Respondent believes that each identified entity is a competitor.

RESPONSE TO INTERROGATORY NO.10

Respondent objects to this Interrogatory for the reasons set forth in the General Objections and specifically to the extent that it is ambiguous, harassing, overly broad, vague, and unduly burdensome and not reasonably calculated to lead to the discovery of admissible evidence.

INTERROGATORY NO.11

Identify the total number of sales of all Respondent's Goods bearing Respondent's Mark each year from 2001 to present.

RESPONSE TO INTERROGATORY NO.11

Respondent objects to this Interrogatory for the reasons set forth in the General Objections and specifically to the extent that it is overly broad and unduly burdensome. Respondent further objects to this Interrogatory to the extent that it seeks information that is neither relevant nor at issue in this proceeding nor relevant to the claims or defenses of either party.

INTERROGATORY NO.12

Identify the first date that Respondent began selling all of Respondent's Goods on gagapureplatinum.com.

RESPONSE TO INTERROGATORY NO.12

Respondent objects to this Interrogatory for the reasons set forth in the General Objections and specifically to the extent that it is overly broad and unduly burdensome. Respondent further objects to this Interrogatory to the extent that it seeks information that is neither relevant nor at issue in this proceeding nor relevant to the claims or defenses of either party.

INTERROGATORY NO.13

Identify the registration date of Respondent's Facebook account for GAGA PURE PLATINUM.

RESPONSE TO INTERROGATORY NO.13

Respondent objects to this Interrogatory for the reasons set forth in the General Objections and specifically to the extent that it seeks information that is neither relevant nor at issue in this proceeding nor relevant to the claims or defenses of either party and not reasonably calculated to lead to the discovery of admissible evidence.

INTERROGATORY NO.14

Identify and describe the relationship between Respondent, and Gaga Pure Platinum on one hand and Zela International on the other.

RESPONSE TO INTERROGATORY NO.14

Respondent objects to this Interrogatory for the reasons set forth in the General Objections and specifically to the extent that it is vague, overly broad and unduly burdensome. Respondent further objects to this Interrogatory to the extent that it seeks information that is neither relevant nor at issue in this proceeding nor relevant to the claims or defenses of either party.

INTERROGATORY NO.15

Identify each item sold by or on behalf of Respondent since 2004 that bears Respondent's Mark.

RESPONSE TO INTERROGATORY NO.15

Respondent objects to this Interrogatory for the reasons set forth in the General Objections and specifically to the extent that it is overly broad and unduly burdensome. Respondent further objects to this Interrogatory to the extent that it seeks information that is neither relevant nor at issue in this proceeding nor relevant to the claims or defenses of either party. Subject to and without waiving the forgoing objections Respondent identifies the items as cosmetics, including nail polish, blush, mascara, face powder, eye shadow, concealer, lip gloss, eye liner, lip liner, lipstick, face luminizer.

INTERROGATORY NO.16

Identify all web designers and developers and persons affiliated with use and registration of the domain name gagapureplatinum.com.

RESPONSE TO INTERROGATORY NO.16

Respondent objects to this Interrogatory for the reasons set forth in the General Objections and specifically to the extent that it is overly broad and unduly burdensome and not reasonably calculated to lead to the discovery of admissible evidence. Respondent further objects to this Interrogatory to the extent that it seeks information that is neither relevant nor at issue in this proceeding nor relevant to the claims or defenses of either party.

INTERROGATORY NO.17

Identify all distributors for Respondent's Mark sold under Respondent Goods each year from 2001 to the present.

RESPONSE TO INTERROGATORY NO.17

Respondent objects to this Interrogatory for the reasons set forth in the General Objections and specifically to the extent that it is overly broad and unduly burdensome. Respondent further objects to this Interrogatory to the extent that it seeks information that is neither relevant nor at issue in this proceeding nor relevant to the claims or defenses of either party.

INTERROGATORY NO.18

Identify all retailers and wholesalers for Respondent's Mark sold under Respondent's Goods each year from 2001 to the present.

RESPONSE TO INTERROGATORY NO.18

Respondent objects to this Interrogatory for the reasons set forth in the General Objections and specifically to the extent that it is overly broad and unduly burdensome. Respondent further objects to this Interrogatory to the extent that it seeks information that is

neither relevant nor at issue in this proceeding nor relevant to the claims or defenses of either party.

INTERROGATORY NO.19

If you believe that the Petitioner's Marks are confusingly similar to Respondent's Mark, set forth the basis for your belief.

RESPONSE TO INTERROGATORY NO.19

Respondent objects to this Interrogatory for the reasons set forth in the General Objections and specifically to the extent that it is confusing and incomprehensible. Respondent further objects to this Interrogatory to the extent that it seeks information that is neither relevant nor at issue in this proceeding nor relevant to the claims or defenses of either party.

INTERROGATORY NO.20

Identify all persons who provided information or otherwise assisted in responding to these Interrogatories and specify the Interrogatories for which each such person provided information or other assistance.

RESPONSE TO INTERROGATORY NO.20

Respondent objects to this Interrogatory for the reasons set forth in the General Objections and specifically to the extent that it is not reasonably calculated to lead to the discovery of admissible evidence. Subject to and without waiving the forgoing objections, Respondent responds that Respondent, Christina Sukljian, responded to Respondent's Responses to Petitioner's First Set of Interrogatories.

INTERROGATORY NO.21

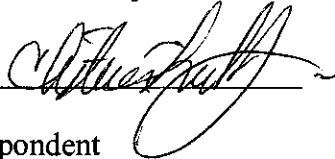
Identify all documents or things that you relied on in responding to these Interrogatories.

RESPONSE TO INTERROGATORY NO.21

Respondent objects to this Interrogatory for the reasons set forth in the General Objections and specifically to the extent that it is overly broad, unduly burdensome and confusing.

Dated: August 25, 2013

Christina Sukljian

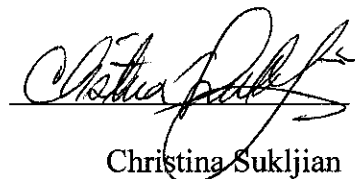
By: 

Respondent
GAGA PURE PLATINUM
13 Manor Street
Albany, New York 12207

CERTIFICATE OF PROOF OF SERVICE

I hereby certify that I served a copy of the foregoing RESPONDENT'S RESPONSES AND OBJECTIONS TO PETITIONER'S FIRST SET OF INTERROGATORIES upon Petitioner Ate My Heart, Inc. by mailing said copy on August 25, 2013 via The United States Postal Service priority mail with signature confirmation in a postage prepaid envelope to Applicant at the following address: Ate My Heart, Inc. c/o Pryor Cashman LLP, 7 Times Square, New York, NY 10036.

Date of Deposit: August 25, 2013
USPS Priority Mail

A handwritten signature in black ink, appearing to read 'Christina Sukljian', written over a horizontal line.

Christina Sukljian
13 Manor Street
Albany, NY 12207

EXHIBIT A

DOCUMENT REQUEST(S) NO. 4 AND NO. 5

CANCELATION NO. 92055279

[HOME](#) > [SHOP](#) > [FACE](#) > POP OFF NEO-POP BLUSH™ CREAM CHEEK COLOUR

Face

POP OFF NEO-POP™ CREAM BLUSH CREAM CHEEK COLOUR

\$20.00

ADD TO MY BAG

This superbly smooth cream blush provides a gorgeous pop of healthy color to cheeks that naturally moisturizes delicate skin with a blend of antioxidant rich barbery fig and pomegranate superfruits at the same time. Neo-Pop blends easily to gives cheeks that fresh and long lasting 'pinch me I'm dreaming' flush.

Product Details

- *cream dewy finish*
- *nutrient and vitamin rich superfruits*
- *skin nourishing barbery fig*
- *made with love in USA*
- *.38 oz - 11 g*

• [VIEW INGREDIENTS](#)

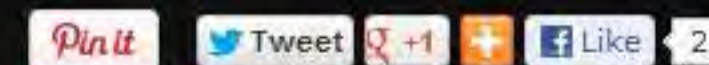
INGREDIENT SPOTLIGHT



FREE SHIPPING over \$50



Candy pink



You Will Also Love...



[HOME](#) > [SHOP](#) > [NAILS](#) > MEEP MEEP MOXIE NAIL COSMETIC

Nails

MEEP MEEP MOXIE NAIL COSMETIC

\$14.00

ADD TO MY BAG

GAGA Pure Platinum Nail Cosmetic is liquid jewelry for the nails with finely crushed, silky smooth GEMLUST™ powder in every bottle. Nails are lacquered in concentrated fashion-forward color for superior wear and gloss with every beautiful coat. This advanced formula provides chip resistant wear while the 600+hair luxe brush delivers strengthening and streak free results for days on end.

Product Details

- *prismatic satin finish*
- *advanced 3 free formula*
- *luxe 600+ hair brush*
- *made with love in USA*
- *1/2 fl oz - 15 ml*

• [VIEW INGREDIENTS](#)

INGREDIENT SPOTLIGHT



FREE SHIPPING over \$50



Rollover To View Product Detail



You Will Also Love...



HOME > SHOP > NAILS

Nails

FREE SHIPPING over \$50

Nails are lacquered in this advanced formula with concentrated color for superior wear and gloss with every beautiful coat.



Meep Meep Moxie
NAIL COSMETIC

SHOP NOW



Hullabaloo
NAIL COSMETIC

SHOP NOW



Prim & Awkward
NAIL COSMETIC

SHOP NOW



Old Flame
NAIL COSMETIC

SHOP NOW



Zenith
NAIL COSMETIC

SHOP NOW



Beam Me Up
NAIL COSMETIC

SHOP NOW



Spendthrift Jungle
NAIL COSMETIC

SHOP NOW



Lock Me Up
NAIL COSMETIC

SHOP NOW



Love Addict
NAIL COSMETIC

SHOP NOW



Big Bang Boom
NAIL COSMETIC

SHOP NOW



Yowza
NAIL COSMETIC

SHOP NOW



White Hot Shock
NAIL COSMETIC

SHOP NOW

This universally flattering creamed peach nude coats nails in fortified luxury in our advanced long wear, chip resistant formula.



Avec Moi Nail Cosmetic
PART OF THE ETERNALLY CHIC SET

SHOP NOW

[HOME](#) > [SHOP](#) > [COMPLEXION](#) > STAR CONCEALER FAIR

Face

FAIR STAR CONCEALER

\$18.00

ADD TO MY BAG

This full coverage exceptionally pigment rich concealer is a star performer. With the lasting skin benefits of Moroccan argan and avocado, this creamy lightweight formula brightens while blending to perfection. Conceals dark spots, under eye circles, discolorations, blemishes, and any other flaw you would rather not see.

Product Details

- *super concentrated pigment*
- *skin nourishing superfruit oils*
- *skin protecting vitamin E*
- *made with love in USA*
- *.11 oz - 3 g*

• [VIEW INGREDIENTS](#)

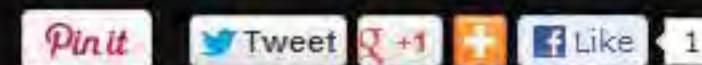
INGREDIENT SPOTLIGHT



FREE SHIPPING over \$50



Rollover To View Product Detail



You Will Also Love...



[HOME](#) > [SHOP](#) > [FACE](#) > LUNAR FLASH PRISM PAVE™ LUMINIZER

Face

FREE SHIPPING over \$50

LUNAR FLASH PRISM PAVE™ LUMINIZER

\$22.00

ADD TO MY BAG

This weightless cream luminizer provides luxurious satin luminosity and superb radiance to your complexion. Prism Pave™ instantly brightens and enhances skin's appearance with natural optical reflectors that bend with the light to provide beautiful radiance to cheeks, brow-bones and face.

Product Details

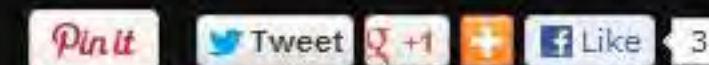
- *super silky satin luminosity*
- *antioxidant rich pomegranate*
- *skin restoring Moroccan argan*
- *made with love in USA*
- *.38 oz - 11 g*

• [VIEW INGREDIENTS](#)

BENEFICIAL INGREDIENTS



Satin champagne



You Will Also Love...



[HOME](#) > [SHOP](#) > [LIPS](#) > PINK PARIS LIP LUST LUXE COLOR GLOSS

Lips

PINK PARIS LIP LUST LUXE COLOR GLOSS

\$12.50

ADD TO MY BAG

The performance of glamorous color and uber shine of a gloss fused with the benefits of a conditioning, protective balm - that's Lip Lust. Nourishing botanicals hydrate lips in a divine buttery-rich formula.

Product Details

- *lasting high gloss finish*
- *moisture and condition with rich shea butter*
- *sooth lips with nourishing sweet almond*
- *made with love in USA*
- *.11 oz - 3 g*

• [VIEW INGREDIENTS](#)

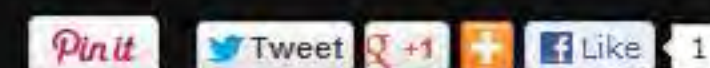
INGREDIENT SPOTLIGHT



FREE SHIPPING over \$50



Shimmering golden fuchsia



You Will Also Love



[HOME](#) > [SHOP](#) > [LIPS](#) > RIVE GAUCHE ART DÉCORATIF HYDRATING LIPSTICK

Lips

RIVE GAUCHE ART DÉCORATIF HYDRATING LIPSTICK

\$16.00

ADD TO MY BAG

Exceptionally creamy and long-lasting, Art Decoratif Hydrating Lipstick instantly delivers high impact powerful color in just one effortless stroke. Lock in natural moisture with conditioning essential fruit oils for supple, kiss me now lips.

Product Details

- *hydrating long wearing color in one stroke*
- *condition with essential açai fruit oil*
- *enhanced with orchid flower extract*
- *made with love in USA*
- *.13 oz - 3.7 g*

• [VIEW INGREDIENTS](#)

INGREDIENT SPOTLIGHT



FREE SHIPPING over \$50



Real sultry red



You Will Also Love...



[HOME](#) > [SHOP](#) > [SETS](#) > ETERNALLY CHIC SET

Sets

FREE SHIPPING over \$50

ETERNALLY CHIC SET 3 PIECE TRAVEL COMPANION

\$20.00

ADD TO MY BAG

The perfect three-piece set that has everything you need for instant sophistication. Infused with our signature GEMLUST™ Jewels, this set is the ultimate companion for any destination. Polish lips, tips, and lashes in this universally flattering color palette.

Product Details

NAIL COSMETIC IN AVEC MOI

- *creamed peach nude, the go to color for any occasion*
- *advanced 3 free formula*
- *made with love in USA*
- *.34 fl oz - 10 ml*

ETHEREAL FINISH MASCARA

- *provides perfectly groomed and polished lashes*
- *pampers lashes with nourishing Moroccan argan*
- *made with love in USA*
- *.1 fl oz - 3 ml*

58 FACETS BRILLIANT LIP GLOSS

- *highlight lips with sparkling dimension*
- *moisturize with sweet almond*
- *refreshing essential grapefruit aroma*
- *made with love in USA*
- *.1 fl oz - 3 ml*

• [VIEW INGREDIENTS](#)

INGREDIENT SPOTLIGHT



Rollover To View Product Detail



You Will Also Love...



EXHIBIT B

DOCUMENT REQUEST NO. 35

CANCELATION NO. 92055279



EXHIBIT B

DOCUMENT REQUEST NO. 35

CANCELATION NO. 92055279



EXHIBIT B

DOCUMENT REQUEST NO. 35

ETERNALLY CHIC SET

The perfect three-piece set that has everything you need for instant sophistication. Infused with our signature GEMPLUST™ JEWELS, this set is the ultimate companion for any destination. Polish lips, tips, and lashes in this universally flattering color palette.

NAIL COSMETIC - AVEC MOI / NET WEIGHT: 0.34 FL OZ · 10 ml e / KEEP FROM HEAT AND FLAME
INGREDIENTS: BUTYL ACETATE · ETHYL ACETATE · NITROCELLULOSE · ACETYL TRIBUTYL CITRATE · ISOPROPYL ALCOHOL · ADIPIC ACID/NEOPENTYL GLYCOL/TRIMELLITIC ANHYDRIDE COPOLYMER · STEARALKONIUM HERTORITE · ACRYLATES COPOLYMER · BENZOPHENONE-1 · AMETHYST POWDER · NEPHRITE POWDER · TOURMALINE POWDER · RUBY POWDER · PEARL POWDER · CORAL POWDER · AMBER POWDER. [+/- TOSYLAMIDE/FORMALDEHYDE RESIN · CI 77891/TITANIUM DIOXIDE · CI 77491, CI 77492, CI 77499/IRON OXIDES].

ETHEREAL FINISH MASCARA / NET WEIGHT: 0.1 FL OZ · 3 ml e

POWDER · NEPHRITE POWDER · TOURMALINE POWDER · RUBY POWDER · PEARL POWDER · CORAL POWDER · AMBER POWDER · BHT · TOCOPHEROL. [+/- MICA, CI 77891/TITANIUM DIOXIDE, CI 77491, CI 77492, CI 77499/IRON OXIDES]
*ECOCERT™ CERTIFIED

GAGA®
PURE PLATINUM

ZELA INT'L. ALBANY, NY 12207 www.GAGAPUREPLATINUM.COM

★ MADE WITH ♥ IN NY USA ★

EXHIBIT B

DOCUMENT REQUEST NO. 35

CANCELATION NO. 92055279

EXHIBIT C

DOCUMENT REQUEST(S) NO. 41 AND NO. 65

CANCELATION NO. 92055279

InterNIC

[Home](#) [Registrars](#) [FAQ](#) [Whois](#)

Whois Search Results

Search again (.aero, .arpa, .asia, .biz, .cat, .com, .coop, .edu, .info, .int, .jobs, .mobi, .museum, .name, .net, .org, .pro, or .travel) :

- Domain (ex. internic.net)
- Registrar (ex. ABC Registrar, Inc.)
- Nameserver (ex. ns.example.com or 192.16.0.192)

Whois Server Version 2.0

Domain names in the .com and .net domains can now be registered with many different competing registrars. Go to <http://www.internic.net> for detailed information.

Domain Name: GAGAPUREPLATINUM.COM
Registrar: 1 & 1 INTERNET AG
Whois Server: whois.schlund.info
Referral URL: <http://1and1.com>
Name Server: NS51.1AND1.COM
Name Server: NS52.1AND1.COM
Status: ok
Updated Date: 11-feb-2013
Creation Date: 10-feb-2011
Expiration Date: 10-feb-2014

>>> Last update of whois database: Wed, 21 Aug 2013 16:19:01 UTC <<<

NOTICE: The expiration date displayed in this record is the date the registrar's sponsorship of the domain name registration in the registry is currently set to expire. This date does not necessarily reflect the expiration date of the domain name registrant's agreement with the sponsoring registrar. Users may consult the sponsoring registrar's Whois database to view the registrar's reported date of expiration for this registration.

TERMS OF USE: You are not authorized to access or query our Whois database through the use of electronic processes that are high-volume and automated except as reasonably necessary to register domain names or modify existing registrations; the Data in VeriSign Global Registry Services' ("VeriSign") Whois database is provided by VeriSign for information purposes only, and to assist persons in obtaining information about or related to a domain name registration record. VeriSign does not guarantee its accuracy. By submitting a Whois query, you agree to abide by the following terms of use: You agree that you may use this Data only for lawful purposes and that under no circumstances will you use this Data to: (1) allow, enable, or otherwise support the transmission of mass unsolicited, commercial advertising or solicitations via e-mail, telephone, or facsimile; or (2) enable high volume, automated, electronic processes that apply to VeriSign (or its computer systems). The compilation, repackaging, dissemination or other use of this Data is expressly prohibited without the prior written consent of VeriSign. You agree to use electronic processes that are automated and high-volume to access or

EXHIBIT D

DOCUMENT REQUEST NO. 58

CANCELATION NO. 92055279



Commissioner for Trademarks
P.O. Box 1451
Alexandria, VA 22313-1451
www.uspto.gov

November 5, 2010

Ms. Christina Sukljian
13 Manor Street
Albany, NY 12207

Re: Letter of protest filed against Trademark Application Serial No. 85115004 for the mark
LADY GAGA

Dear Ms. Sukljian:

Your letter of protest was received in the U.S. Patent and Trademark Office on October 14, 2010. 2010 and was referred to me for review.

Decision: The letter of protest is hereby ACCEPTED.

Your letter of protest is accepted for the record because the submitted evidence is of the type which may be given to an examining attorney for consideration during *ex parte* examination. *Trademark Manual of Examining Procedure* (TMEP) §1715.02(a). Although the above-mentioned application has not yet been assigned to an examining attorney, the application record will be updated to provide notification of the acceptance of this letter of protest and the existence of U.S. Registration No. 2898544 for the mark "GAGA PURE PLATINUM" for cosmetics; namely nail polish, lipstick, lip-gloss, eye-liner, lip-liner, eye shadow, face powder, blush, mascara.

The forwarding of the evidence attached to your letter of protest does not entitle you to communicate directly with the examining attorney, either orally or in writing, with regard to this application. Further, the acceptance of a letter of protest filed before publication is not a legal determination by the USPTO of registrability, nor is it meant to compromise the integrity of the *ex parte* examination process. It merely serves to bring the submitted evidence to the attention of the examining attorney, who determines whether a refusal or requirement should be raised or ultimately made final. TMEP §1715.02(b).

Please note that if the application is approved for publication, the acceptance of your letter of protest does not stay the time for filing an opposition with the Trademark Trial and Appeal Board (TTAB) after it has published in the *Official Gazette*. 37 C.F.R. §§2.101-2.107. You must file a Notice of Opposition, or a request for an extension of time to file an opposition, within thirty days of the date of publication if you wish to oppose registration of the mark. You may obtain further information regarding proceedings before the TTAB by calling (571) 272-8500 or at <http://www.uspto.gov/trademarks/process/appeal/index.jsp>.

You must continue to monitor the status of the application if you wish to be informed of its final disposition. You can find status information on all trademark applications and registrations on the USPTO website at <http://tarr.uspto.gov>.

Sincerely,

Dawnmarie D. Sanok

/Dawnmarie D. Sanok/

Staff Attorney

Office of the Deputy Commissioner for

Trademark Examination Policy

(571) 272-9577



Commissioner for Trademarks
P.O. Box 1451
Alexandria, VA 22313-1451
www.uspto.gov

March 31, 2011

Ms. Christina Sukljian
GAGA PURE PLATINUM
13 Manor Street
Albany, NY 12207

Re: Letter of protest filed against Trademark Application Serial No. 85215017 for the mark HAUS OF GAGA

Dear Ms. Sukljian:

Your letter of protest was received in the U.S. Patent and Trademark Office on February 18, 2011 and was referred to me for review.

Decision: The letter of protest is hereby ACCEPTED.

Your letter of protest is granted because the evidence submitted is of the type which may be given to an examining attorney for consideration during *ex parte* examination. *Trademark Manual of Examining Procedure* (TMEP) §1715.02(a). The examining attorney will be forwarded information regarding the registration cited in your letter.

The forwarding of the evidence attached to your letter of protest does not entitle you to communicate directly with the examining attorney, either orally or in writing, with regard to this application. Further, the acceptance of a letter of protest filed before publication is not a legal determination by the USPTO of registrability, nor is it meant to compromise the integrity of the *ex parte* examination process. It merely serves to bring the submitted evidence to the attention of the examining attorney, who determines whether a refusal or requirement should be raised or ultimately made final. TMEP §1715.02(b).

Please note that if the application is ultimately approved for publication, the acceptance of your letter of protest does not stay the time for filing an opposition with the Trademark Trial and Appeal Board (TTAB) after it has published in the *Official Gazette*. 37 C.F.R. §§2.101-2.107. You must file a notice of opposition, or a request for an extension of time to file an opposition, within thirty days of the date of publication if you wish to oppose registration of the mark. You may obtain further information regarding proceedings before the TTAB by calling (571) 272-8500 or at <http://www.uspto.gov/trademarks/process/appeal/index.jsp>.

You must continue to monitor the status of the application if you wish to be informed of its final disposition. You can find status information on all trademark applications and registrations on the USPTO website at <http://tarr.uspto.gov>.

Sincerely,

/Montia Givens Pressey/

Montia Givens Pressey

Staff Attorney

Office of the Commissioner for Trademarks

(571) 272 8944 (phone)

(571) 273 8944 (fax)

montia.pressey@uspto.gov (email)



Commissioner for Trademarks
P.O. Box 1451
Alexandria, VA 22313-1451
www.uspto.gov

August 29, 2011

Christina Sukljian
GAGA PURE PLATINUM
13 Manor Street
Albany, NY 12207

Re: Letter of protest filed against Trademark Application Serial No. 85-282752 for the mark "LADY GAGA FAME"

Dear Ms Sulkjian:

Your letter of protest was received in the United States Patent and Trademark Office (USPTO) on July 19, 2011 and was recently referred to me for review.

Decision: The letter of protest is hereby ACCEPTED.

Your letter of protest is accepted for the record because the submitted evidence is of the type which may be given to an examining attorney for consideration during *ex parte* examination. *Trademark Manual of Examining Procedure* (TMEP) §1715.02(a). The examining attorney will be forwarded information regarding Registration No. 2,898,544.

The forwarding of the evidence attached to your letter of protest does not entitle you to communicate directly with the examining attorney, either orally or in writing, with regard to this application. Further, the acceptance of a letter of protest filed before publication is not a legal determination by the USPTO of registrability, nor is it meant to compromise the integrity of the *ex parte* examination process. It merely serves to bring the submitted evidence to the attention of the examining attorney, who determines whether a refusal or requirement should be raised or ultimately made final. TMEP §1715.02(b).

Please note that if the application is approved for publication, the acceptance of your letter of protest does not stay the time for filing an opposition with the Trademark Trial and Appeal Board (TTAB) after it has published in the *Official Gazette*. 37 C.F.R. §§2.101-2.107. You must file a notice of opposition, or a request for an extension of time to file an opposition, within thirty days of the date of publication if you wish to oppose registration of the mark. You may obtain further information regarding proceedings before the TTAB by calling (571) 272-8500 or at <http://www.uspto.gov/trademarks/process/appeal/index.jsp>.

You must continue to monitor the status of the application if you wish to be informed of its final disposition. You can find status information on all trademark applications and registrations on the USPTO website at <http://tarr.uspto.gov>.

Sincerely,

Jennifer Chicoski

/Jennifer D. Chicoski/

Staff Attorney

Office of the Deputy Commissioner for

Trademark Examination Policy

(571) 272-8943

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451

Christina Sukljian

13 Manor Street
Albany, NY 12207

Mailed: February 1, 2012

Serial No.: 89215017
ESTTA TRACKING NO: ESTTA454249

The request to extend time to oppose is granted until
3/3/2012 on behalf of potential opposer ChristinaSukljian

Please do not hesitate to contact the Trademark Trial and
Appeal Board at 571.272-8500 if you have any questions
relating to this extension

Note from the Trademark Trial and Appeal Board

TTAB forms for electronic filing of extensions of time to
oppose, notices of opposition, petition for cancellation, notice
of ex parte appeal, and inter partes filings are now available
at <http://estta.uspto.gov> Images of TTAB proceeding files can
be viewed using TTABVue at <http://ttabvue.uspto.gov>

ESTTA Tracking number: **ESTTA459134**

Filing date: **02/29/2012**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Applicant:	Ate My Heart Inc.
Application Serial Number:	85215017
Application Filing Date:	01/11/2011
Mark:	HAUS OF GAGA
Date of Publication	01/03/2012

60 Day Request for Extension of Time to Oppose for Good Cause

Pursuant to 37 C.F.R. Section 2.102, Christina Sukljian, 13 Manor Street, Albany, NY 12207, UNITED STATES respectfully requests that he/she/it be granted an additional 60-day extension of time to file a notice of opposition against the above-identified mark for cause shown.

Potential opposer believes that good cause is established for this request by:

- The potential opposer needs additional time to investigate the claim

The time within which to file a notice of opposition is set to expire on 03/03/2012. Christina Sukljian respectfully requests that the time period within which to file an opposition be extended until 05/02/2012.

Respectfully submitted,
/Christina Sukljian/
02/29/2012

Christina Sukljian
13 Manor Street
Albany, NY 12207
UNITED STATES
info@zela.com

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451

Christina Sukljian

13 Manor Street
Albany, NY 12207

Mailed: February 29, 2012

Serial No.: 85215017
ESTTA TRACKING NO: ESTTA459134

The request to extend time to oppose is granted until
5/2/2012 on behalf of potential opposer **ChristinaSukljian**

Please do not hesitate to contact the Trademark Trial and
Appeal Board at (571)272-8500 if you have any questions
relating to this extension.

Note from the Trademark Trial and Appeal Board

TTAB forms for electronic filing of extensions of time to
oppose, notices of opposition, petition for cancellation, notice
of ex parte appeal, and inter partes filings are now available
at <http://estta.uspto.gov>. Images of TTAB proceeding files can
be viewed using TTABVue at <http://ttabvue.uspto.gov>.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In the Matter of Application Serial No. 85215017
Mark: HAUS OF GAGA
Published in the Official Gazette on January 3, 2011

-----X	
Christina Sukljian,	:
	:
Opposer,	:
	:
v.	:
	:
Ate My Heart Inc.,	:
	:
Applicant.	:
-----X	

NOTICE OF OPPOSITION

By order of the Board dated February 29, 2012, Christina Sukljian, Opposer and Owner of the federally registered trademark GAGA PURE PLATINUM®, was allowed until May 2, 2012 in which to oppose the above-reference application. Christina Sukljian, an individual at 13 Manor Street, Albany, NY 12207, believes that she would be damaged by the issuance of a registration for the mark, shown in Application Serial No. 85215017, HAUS OF GAGA in International Class 003, covering identical and related cosmetics goods and therefore opposes the same. As grounds for its opposition, Opposer, alleges as follows:

I: Background on Christina Sukljian

- 1) GAGA PURE PLATINUM® is a federally registered trademark, U.S. Registration No. 2898544 in International Class 003, invented and created in the year 2000, filed for registration on August 22, 2001 and registered on November 2, 2004 with a date of first use in commerce of June 7, 2001, owned by the Opposer, internationally recognized cosmetics and beauty industry maven and second generation cosmetics purveyor, Christina Sukljian p/k/a Cristina Samuels.
- 2) Christina Sukljian p/k/a Cristina Samuels has more than 17 years of experience in the cosmetics industry with a broad background in product development, marketing and sales. Before joining Zela International formally in 1995 she honed her skills and was educated in all facets of the cosmetics industry in her family cosmetics company, Zela International. In 1996 she joined the marketing team and developed and implemented innovative product packaging and marketing programs to increase the company's sales and profits for various color cosmetics lines including Mode Couleurs and Little Gems. Under her leadership she created Mode, a natural color cosmetics line which pioneered the use of natural ingredients with fashion forward style, the first concept of its kind in the industry.
- 3) In 2000 Christina Sukljian p/k/a Cristina Samuels spearheaded the creation of GAGA PURE PLATINUM, an avant-garde cosmetics brand. Named after her brother's childhood nickname Gaga, GAGA PURE PLATINUM combined fashion, style and art with passion for color.
- 4) Christina Sukljian p/k/a Cristina Samuels has achieved prominence and accolades in the global cosmetics industry and has gained the attention of leading beauty editors of both consumer and industry magazines, including *Allure*, *GCI*, *Drug Store News*, and *WWD*, beauty and fashion websites and bloggers, including *Bella Sugar*, and through media appearances including Wnyt, Wten, Wrgb. She has been lauded for her fresh perspective in the beauty industry and as a result

of her efforts and achievements she has garnered the distinct honor and recognition of *GCI*® magazine (*Global Cosmetic Industry* magazine) as being selected as 1 of „20 To Know“ in the global cosmetics industry. *GCI*® magazine has stated, “Cristina Samuels epitomizes the strengths of the beauty industry – continuity and tradition propelled by innovation and evolution.”

- 5) In addition to her fresh perspective, as described by *GCI*® magazine (*Global Cosmetic Industry* magazine), and as a result of her achievements in the cosmetics industry, in 2008 Cristina Samuels was welcomed as the youngest member to join the magazine’s editorial advisory board proudly contributing to one of the most respected and influential business magazines for the global beauty industry.

II: Applicant’s Mark is *Confusingly Similar* to Registered Mark GAGA PURE PLATINUM

- 6) Since a date long prior to any date which Applicant can rely and before the existence of the Applicant, Opposer has been using the trademark GAGA PURE PLATINUM for Cosmetics; namely nail polish, lipstick, lip gloss, eye liner, lip liner, eye shadow, face powder, blush, mascara in International Class 3 for well over 11 years.
- 7) Opposer owns U.S. Registration No. 2898544 for the mark GAGA PURE PLATINUM, registered on November 2, 2004 in International Class 003 for Cosmetics; namely nail polish, lipstick, lip gloss, eye liner, lip liner, eye shadow, face powder, blush, mascara in International Class 003 with a date of first use in commerce of June 7, 2001. This registration is valid and in full force and effect and has become incontestable under Section 15 of the Lanham Act.
- 8) As a result of Opposer’s use and registration of the GAGA PURE PLATINUM mark when used in connection with cosmetics and related goods in International Class 003 GAGA PURE PLATINUM has become uniquely associated with Opposer.

- 9) Applicant has applied for registration for the mark HAUS OF GAGA, U.S. Application Serial No. 85215017, as Intent to Use under 1B filing basis, in International Class 003 on January 11, 2011, a date long subsequent, in fact 10 years subsequent, to Opposer's date of first use of the GAGA PURE PLATINUM mark and thus, Opposer has priority over Applicant, for the following identical and related goods as identified by Applicant, Soaps; perfumery, essential oils, cosmetics, hair lotions; dentifrices; color cosmetics; facial cosmetics; decorative transfers for cosmetic purposes; non-mediated skin care preparations; body and foot care products, namely, beauty milks, skin moisturizers and skin moisturizer masks, skin conditioners, hand creams, massage oils, essential oils for personal use, talcum powder, perfumed powders, face wash, skin cleansers, skin highlighting cream, body scrubs, body fragrances, fragrances for personal use, body and hand lotions, body gels, body oils, body powders, body exfoliants, body masks, body mask creams and lotions, shaving preparations, after shave lotions, shaving balm, shaving cream, shaving gel, skin abrasive preparations, non-medicated skin creams and skin lotions for relieving razor burns, non-medicated lip care preparations, lip cream, non-medicated sunscreen preparations, suntanning preparations and after-sun lotions; fragrances; bath salts; cosmetic preparations for baths; body and shower products, namely, bath beads, bath crystals, bath foam, bath gels, bath oils, bath powders, shower gels, cosmetic soaps, perfumed soaps, liquid soaps, hand, facial and bath soaps, deodorant soaps, shaving soaps, soap powder, toilet soaps, soaps for body care, soaps for personal use, shampoos, conditioners, hair mousse, hair frosts, hair rinses, hair sprays, hair color, hair waving lotion, permanent wave preparations, hair lighteners, hair dyes, hair emollients, hair mascara, hair pomades, hair color removers, hair relaxing preparations, hair styling preparations, hair removing cream, and hair care preparations; body, face, skin and foot lotions and creams; non-medicated toiletries; colognes; eau de toilettes; body firming gels and lotions; nail varnishes; lipsticks; makeup; sun block. deodorants for personal use; perfumed paper in the nature of pot pourri and pomanders containing perfumed preparations and mixtures; eau de parfum; toilet water; talcum powder; hair care preparations; non-medicated preparations

for the care and conditioning of the body, skin, and scalp; bubble bath, bath gel, bath oil and shower gel.

- 10) Opposer will be damaged by trademark infringement and confusion and the presumptions flowing from the registration of the mark HAUS OF GAGA for identical and related goods, appearance, sound, connotation, and overall commercial impression as such registration diminishes the distinctiveness of the GAGA PURE PLATINUM trademark, an invented mark, invented by the Opposer long before Applicant was in existence, for which Opposer has exclusive rights for cosmetics and related products in International Class 3.
- 11) Applicant seeks to register an identical name, for identical and related goods, in an identical class as Opposer's registered mark and the similarities between the marks and the goods are so great that they create a likelihood of confusion. The GAGA PURE PLATINUM mark, Registration No. 2898544, will be adversely impacted, impeded, and gravely harmed because consumers will be confused and deceived by Applicant's identical pending mark HAUS OF GAGA, a newcomer, and will falsely believe with deception that Applicant's HAUS OF GAGA is of the same name and is connected and part of the brand GAGA PURE PLATINUM.
- 12) In addition, Applicant's pending mark, HAUS OF GAGA, is confusingly similar to Opposer's registered GAGA PURE PLATINUM mark and intended use of Applicant's mark, in International Class 003, for the goods identified in Applicant's registration is likely to cause confusion to the Opposer's registered mark GAGA PURE PLATINUM, as it deceives the purchasing public by creating the mistaken belief that Applicant's goods are connected, approved, endorsed, or sponsored by Opposer's GAGA PURE PLATINUM mark and that the registered GAGA PURE PLATINUM is the source of pending HAUS OF GAGA's goods and that the goods of pending HAUS OF GAGA are, in some other way, associated with GAGA PURE PLATINUM and is an extension or in some other way part of the GAGA PURE PLATINUM

brand all to grave injury and harm to business and adverse commercial impact to GAGA PURE PLATINUM due to use of an identical and similar mark by a newcomer. Applicant's English translation of HAUS OF GAGA is HOUSE OF GAGA and further implicates that HAUS OF GAGA is wholly part of, under the house or umbrella of GAGA PURE PLATINUM and or in some way connected and or affiliated with the federally registered mark GAGA PURE PLATINUM.

- 13) The uniqueness of the invented mark GAGA PURE PLATINUM, Registration No. 2898544, created by Christina Sukljian p/k/a Cristina Samuels in the year 2000 and registered in November 2, 2004, long before Applicant was in existence, and the uniqueness and originality of the invented GAGA PURE PLATINUM mark, in International Class 003, creates the overall commercial impression. GAGA PURE PLATINUM's originality and uniqueness of the coined and invented mark establishes it as a commercial brand name in International Class 003 which is impressed upon the minds of purchasers and remembered and referred to when making purchasing decisions. GAGA PURE PLATINUM is the trademark which is impressed upon the minds of purchasers and remembered and referred to when making purchasing decisions.
- 14) GAGA PURE PLATINUM's originality and uniqueness of the coined and invented mark, invented by the Opposer more than 10 years prior to Applicant, establishes it as a commercial brand name in International Class 3. GAGA is the first part of the mark GAGA PURE PLATINUM which is impressed upon the minds of purchasers and remembered and referred to when making purchasing decisions. Consumers associate and refer to the GAGA PURE PLATINUM brand as GAGA and GAGA Cosmetics. GAGA PURE PLATINUM is an invented mark, invented by Opposer in 2000, and GAGA PURE PLATINUM is the first and only brand name in International Class 3 that uses the invented GAGA mark in commerce for cosmetics.
- 15) Applicant has unsuccessfully attempted to register two (2) prior applied-for-marks in International Class 003 for cosmetics and related goods, LADY GAGA Serial No. 85115004 on

August 24, 2010 and LADY GAGA FAME Serial No. 85282752 on March 21, 2011, both of which were refused registration under Section 2(d) of the Trademark Act due to Likelihood Of Confusion with GAGA PURE PLATINUM because of the significant fact that the marks are highly similar because they both include the identical word, GAGA, in the same International Class 003 for identical and similar goods and refusal is maintained and continued under Section 2(d) based upon Registration No. 2898544 GAGA PURE PLATINUM.

- 16) Furthermore, this is Applicant's 3rd (third) attempt to register a mark that includes the significant identical word GAGA in International Class 003 for cosmetics and related goods and Applicant's applied mark HAUS OF GAGA will damage and cause severe Likelihood of Confusion, cause dilution, and cause deception with federally registered mark GAGA PURE PLATINUM.

WHEREFORE, Opposer requests that its Notice of Opposition be granted and that Application Serial No. 85215017 be denied and refused and that the Mark therein sought for the goods therein specified in International Class 3 be denied and refused.

The \$300 filing fee to file this Notice of Opposition has been paid electronically through ESTTA

Dated: Albany, New York
May 1, 2012

Respectfully submitted,

/Christina Sukljian/
Christina Sukljian
Owner
GAGA PURE PLATINUM
13 Manor Street
Albany, New York 12207
(518) 436-1833

CERTIFICATE OF PROOF OF SERVICE

I hereby certify that a true and complete copy of the foregoing NOTICE OF OPPOSITION has been served on Ate My Heart, Inc. by mailing said copy on May 1, 2012 via The United States Postal Service Priority Mail with Signature Confirmation in a USPS Priority Mail Envelope postage prepaid to: Ate My Heart, Inc. c/o Pryor Cashman LLP, 7 Times Square, New York, NY 10036.

Christina Sukljian

/Christina Sukljian/

13 Manor Street

Albany, NY 12207

Date of Deposit: May 1, 2012
USPS Priority Mail

CERTIFICATE OF MAILING THROUGH ESTTA

I, Christina Sukljian, hereby certify that this NOTICE OF OPPOSITION is being filed electronically through ESTTA with The Trademark Trial And Appeal Board, United States Patent And Trademark Office, Alexandria, VA 22313-1451 on the date indicated below.

Date of Deposit: May 1, 2012

Signed: /Christina Sukljian/

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the Matter of Application No. 85215017
for the Mark: HAUS OF GAGA

-----X

CHRISTINA SUKLJIAN,	:	
	:	
Opposer,	:	Opposition No. 91205046
	:	
v.	:	
	:	
ATE MY HEART, INC.,	:	
	:	
Applicant.	:	

ATE MY HEART, INC.,	:	
	:	
Petitioner,	:	Cancelation No. 92055279
	:	
v.	:	
	:	
CHRISTINA SUKLJIAN,	:	
	:	
Respondent.	:	

-----X

**OPPOSER’S RESPONSES AND OBJECTIONS TO APPLICANT’S FIRST REQUEST
FOR THE PRODUCTION OF DOCUMENTS**

Pursuant to Federal Rules of Civil Procedure 26 and 34, Opposer Christina Sukljian, hereby responds and objects to Applicant, Ate My Heart Inc.’s, first request for the production of documents in Opposition No. 91205046 action.

GENERAL OBJECTIONS

Opposer objects to the specific document requests, interrogatories, instructions and definitions contained in Applicant Ate My Heart, Inc.'s First Request for the Production of Documents and Opposer makes its objections to specific interrogatories and requests by, among other things, incorporating by reference the following objections as appropriate.

1. Opposer objects to each request to the extent that it seeks to impose discovery obligations on Opposer that are inconsistent with, are not found in or which are beyond the scope of the Federal Rules of Civil Procedure.

2. Opposer objects to each request to the extent that it is overly broad, unduly burdensome, intended to harass, impose excessive expenses, and/or is vague, ambiguous, confusing, unintelligible, and incomprehensible.

3. Opposer objects to each request to the extent that it seeks information that is publicly available, equally available to Applicant, is a matter of public record, and/or is information generated by other entities.

4. Opposer objects to each request to the extent that it seeks information that is already in Applicant's possession, custody or control.

5. Opposer objects to each request to the extent that it seeks information that is not relevant to the claims or defenses of either party.

6. Opposer objects to each request as improper and unduly burdensome to the extent that it seeks information that is not known to Opposer, and/or not in the possession, custody, or control of Opposer.

7. Any disclosure of information protected by any trade secret, privilege or immunity is

inadvertent and does not constitute a waiver of any privilege or right of Opposer.

8. Opposer objects to each request to the extent that it seeks the identity of “any”, “each”, or “all” persons or documents and things as such requests are overly broad and unduly burdensome.

9. Opposer reserves the right to supplement its responses in accordance with the Federal Rules of Civil Procedure.

SPECIFIC RESPONSES

DOCUMENT REQUEST NO. 1:

All documents sufficient to show the gross annual revenues received by Opposer from the sales of Opposer,,s Goods in the United States sold under Opposer”s Mark each year since Opposer,,s first use of Opposer,,s Mark in 2001.

RESPONSE TO DOCUMENT REQUEST NO. 1:

Opposer objects to this Request for the reasons set forth in the General Objections and specifically to the extent that it is overly broad, unduly burdensome. Opposer further objects to this Request on the ground that it seeks documents and information that is neither relevant nor at issue in this proceeding nor relevant to the claims or defenses of either party. The only issue present in the instant Opposition Proceeding is trademark infringement and the likelihood of confusion that exists with Applicant”s HAUS OF GAGA application and Opposer”s in use and not abandoned Registered Trademark GAGA PURE PLATINUM.

DOCUMENT REQUEST NO. 2:

All documents sufficient to identify the quantity of each of the Opposer”s Goods sold

under Opposer's Mark for each year in the United States since Opposer's first use of Opposer's Mark in 2001.

RESPONSE TO DOCUMENT REQUEST NO. 2:

Opposer objects to this Request for the reasons set forth in the General Objections and specifically to the extent that it is overly broad, unduly burdensome. Opposer further objects to this Request on the ground that it seeks documents and information that is neither relevant nor at issue in this proceeding nor relevant to the claims or defenses of either party. The only issue present in the instant Opposition Proceeding is trademark infringement and the likelihood of confusion that exists with Applicant's HAUS OF GAGA application and Opposer's in use and not abandoned Registered Trademark GAGA PURE PLATINUM.

DOCUMENT REQUEST NO. 3:

All documents and things sufficient to show the use of Opposer's Mark in connection with each of Opposer's Goods each year since Opposer's date of first use in 2001.

RESPONSE TO DOCUMENT REQUEST NO. 3:

Opposer objects to this Request for the reasons set forth in the General Objections and specifically to the extent that it is overly broad, unduly burdensome. Opposer further objects to this Request on the ground that it seeks documents and information that is neither relevant nor at issue in this proceeding nor relevant to the claims or defenses of either party. The only issue present in the instant Opposition Proceeding is trademark infringement and the likelihood of confusion that exists with Applicant's HAUS OF GAGA application and Opposer's in use and not abandoned Registered Trademark GAGA PURE PLATINUM.

DOCUMENT REQUEST NO. 4:

All documents concerning packaging for Opposer's Goods bearing Opposer's Mark.

RESPONSE TO DOCUMENT REQUEST NO. 4:

Opposer objects to this Request for the reasons set forth in the General Objections and specifically to the extent that it is overly broad, unduly burdensome, confusing, vague and ambiguous. Opposer further objects to this Request on the ground that it seeks documents and information that is neither relevant nor at issue in this proceeding nor relevant to the claims or defenses of either party. The only issue present in the instant Opposition Proceeding is trademark infringement and the likelihood of confusion that exists with Applicant's HAUS OF GAGA application and Opposer's in use and not abandoned Registered Trademark GAGA PURE PLATINUM. Subject to and without waiving the forgoing objections, Opposer responds that documents responsive to this request were produced in connection with the cancelation as Exhibit A – Document Request (s) No 4 and No 5.

DOCUMENT REQUEST NO. 5:

All documents concerning any logos, color schemes or other distinctive identifiers for Opposer's Goods

RESPONSE TO DOCUMENT REQUEST NO. 5:

Opposer objects to this Request for the reasons set forth in the General Objections and specifically to the extent that it is overly broad, unduly burdensome, confusing, vague and ambiguous. Opposer further objects to this Request on the ground that it seeks documents and information that is neither relevant nor at issue in this proceeding nor relevant to the claims or defenses of either party. The only issue present in the instant Opposition Proceeding is trademark

infringement and the likelihood of confusion that exists with Applicant's HAUS OF GAGA application and Opposer's in use and not abandoned Registered Trademark GAGA PURE PLATINUM. Subject to and without waiving the forgoing objections, Opposer responds that documents responsive to this request were produced in connection with the cancellation as Exhibit A – Document Request (s) No 4 and No 5.

DOCUMENT REQUEST NO. 6:

All documents concerning use of Opposer's Mark in 2001 on (a) nail polish; (b) lipstick; (c) lip-gloss; (d) eye-liner; (e) lip-liner; (f) eye shadow; (g) face powder; (h) blush; (i) mascara sold under Opposer's Mark, including but not limited to purchase orders placed by Opposer, confirmations, manufacturing, shipping and customs records, orders for product from customers, Opposer's invoices, cancelled checks or other proof of payment and all internal accounting documents and records.

RESPONSE TO DOCUMENT REQUEST NO. 6:

Opposer objects to this Request for the reasons set forth in the General Objections and specifically to the extent that it is overly broad, unduly burdensome. Opposer further objects to this Request on the ground that it seeks documents and information that is neither relevant nor at issue in this proceeding nor relevant to the claims or defenses of either party. The only issue present in the instant Opposition Proceeding is trademark infringement and the likelihood of confusion that exists with Applicant's HAUS OF GAGA application and Opposer's in use and not abandoned Registered Trademark GAGA PURE PLATINUM.

DOCUMENT REQUEST NO. 7:

All documents concerning use of Opposer's Mark in 2002 on (a) nail polish; (b) lipstick;

(c) lip-gloss; (d) eye-liner; (e) lip-liner; (f) eye shadow; (g) face powder; (h) blush; (i) mascara sold under Opposer's Mark, including but not limited to purchase orders placed by Opposer, confirmations, manufacturing, shipping and customs records, orders for product from customers, Opposer's invoices, cancelled checks or other proof of payment and all internal accounting documents and records.

RESPONSE TO DOCUMENT REQUEST NO. 7:

Opposer objects to this Request for the reasons set forth in the General Objections and specifically to the extent that it is overly broad, unduly burdensome. Opposer further objects to this Request on the ground that it seeks documents and information that is neither relevant nor at issue in this proceeding nor relevant to the claims or defenses of either party. The only issue present in the instant Opposition Proceeding is trademark infringement and the likelihood of confusion that exists with Applicant's HAUS OF GAGA application and Opposer's in use and not abandoned Registered Trademark GAGA PURE PLATINUM.

DOCUMENT REQUEST NO. 8:

All documents concerning use of Opposer's Mark in 2003 on (a) nail polish; (b) lipstick; (c) lip-gloss; (d) eye-liner; (e) lip-liner; (f) eye shadow; (g) face powder; (h) blush; (i) mascara sold under Opposer's Mark, including but not limited to purchase orders placed by Opposer, confirmations, manufacturing, shipping and customs records, orders for product from customers, Opposer's invoices, cancelled checks or other proof of payment and all internal accounting documents and records.

RESPONSE TO DOCUMENT REQUEST NO. 8:

Opposer objects to this Request for the reasons set forth in the General Objections and

specifically to the extent that it is overly broad, unduly burdensome. Opposer further objects to this Request on the ground that it seeks documents and information that is neither relevant nor at issue in this proceeding nor relevant to the claims or defenses of either party. The only issue present in the instant Opposition Proceeding is trademark infringement and the likelihood of confusion that exists with Applicant's HAUS OF GAGA application and Opposer's in use and not abandoned Registered Trademark GAGA PURE PLATINUM.

DOCUMENT REQUEST NO. 9:

All documents concerning use of Opposer's Mark in 2004 on (a) nail polish; (b) lipstick; (c) lip-gloss; (d) eye-liner; (e) lip-liner; (f) eye shadow; (g) face powder; (h) blush; (i) mascara sold under Opposer's Mark, including but not limited to purchase orders placed by Opposer, confirmations, manufacturing, shipping and customs records, orders for product from customers, Opposer's invoices, cancelled checks or other proof of payment and all internal accounting documents and records.

RESPONSE TO DOCUMENT REQUEST NO. 9:

Opposer objects to this Request for the reasons set forth in the General Objections and specifically to the extent that it is overly broad, unduly burdensome. Opposer further objects to this Request on the ground that it seeks documents and information that is neither relevant nor at issue in this proceeding nor relevant to the claims or defenses of either party. The only issue present in the instant Opposition Proceeding is trademark infringement and the likelihood of confusion that exists with Applicant's HAUS OF GAGA application and Opposer's in use and not abandoned Registered Trademark GAGA PURE PLATINUM.

DOCUMENT REQUEST NO. 10:

All documents concerning use of Opposer's Mark in 2005 on (a) nail polish; (b) lipstick; (c) lip-gloss; (d) eye-liner; (e) lip-liner; (f) eye shadow; (g) face powder; (h) blush; (i) mascara sold under Opposer's Mark, including but not limited to purchase orders placed by Opposer, confirmations, manufacturing, shipping and customs records, orders for product from customers, Opposer's invoices, cancelled checks or other proof of payment and all internal accounting documents and records.

RESPONSE TO DOCUMENT REQUEST NO. 10:

Opposer objects to this Request for the reasons set forth in the General Objections and specifically to the extent that it is overly broad, unduly burdensome. Opposer further objects to this Request on the ground that it seeks documents and information that is neither relevant nor at issue in this proceeding nor relevant to the claims or defenses of either party. The only issue present in the instant Opposition Proceeding is trademark infringement and the likelihood of confusion that exists with Applicant's HAUS OF GAGA application and Opposer's in use and not abandoned Registered Trademark GAGA PURE PLATINUM.

DOCUMENT REQUEST NO. 11:

All documents concerning use of Opposer's Mark in 2006 on (a) nail polish; (b) lipstick; (c) lip-gloss; (d) eye-liner; (e) lip-liner; (f) eye shadow; (g) face powder; (h) blush; (i) mascara sold under Opposer's Mark, including but not limited to purchase orders placed by Opposer, confirmations, manufacturing, shipping and customs records, orders for product from customers, Opposer's invoices, cancelled checks or other proof of payment and all internal accounting documents and records.

RESPONSE TO DOCUMENT REQUEST NO. 11:

Opposer objects to this Request for the reasons set forth in the General Objections and specifically to the extent that it is overly broad, unduly burdensome. Opposer further objects to this Request on the ground that it seeks documents and information that is neither relevant nor at issue in this proceeding nor relevant to the claims or defenses of either party. The only issue present in the instant Opposition Proceeding is trademark infringement and the likelihood of confusion that exists with Applicant's HAUS OF GAGA application and Opposer's in use and not abandoned Registered Trademark GAGA PURE PLATINUM.

DOCUMENT REQUEST NO. 12:

All documents concerning use of Opposer's Mark in 2007 on (a) nail polish; (b) lipstick; (c) lip-gloss; (d) eye-liner; (e) lip-liner; (f) eye shadow; (g) face powder; (h) blush; (i) mascara sold under Opposer's Mark, including but not limited to purchase orders placed by Opposer, confirmations, manufacturing, shipping and customs records, orders for product from customers, Opposer's invoices, cancelled checks or other proof of payment and all internal accounting documents and records.

RESPONSE TO DOCUMENT REQUEST NO. 12:

Opposer objects to this Request for the reasons set forth in the General Objections and specifically to the extent that it is overly broad, unduly burdensome. Opposer further objects to this Request on the ground that it seeks documents and information that is neither relevant nor at issue in this proceeding nor relevant to the claims or defenses of either party. The only issue present in the instant Opposition Proceeding is trademark infringement and the likelihood of confusion that exists with Applicant's HAUS OF GAGA application and Opposer's in use and

not abandoned Registered Trademark GAGA PURE PLATINUM.

DOCUMENT REQUEST NO. 13:

All documents concerning use of Opposer's Mark in 2008 on (a) nail polish; (b) lipstick; (c) lip-gloss; (d) eye-liner; (e) lip-liner; (f) eye shadow; (g) face powder; (h) blush; (i) mascara sold under Opposer's Mark, including but not limited to purchase orders placed by Opposer, confirmations, manufacturing, shipping and customs records, orders for product from customers, Opposer's invoices, cancelled checks or other proof of payment and all internal accounting documents and records.

RESPONSE TO DOCUMENT REQUEST NO. 13:

Opposer objects to this Request for the reasons set forth in the General Objections and specifically to the extent that it is overly broad, unduly burdensome. Opposer further objects to this Request on the ground that it seeks documents and information that is neither relevant nor at issue in this proceeding nor relevant to the claims or defenses of either party. The only issue present in the instant Opposition Proceeding is trademark infringement and the likelihood of confusion that exists with Applicant's HAUS OF GAGA application and Opposer's in use and not abandoned Registered Trademark GAGA PURE PLATINUM.

DOCUMENT REQUEST NO. 14:

All documents concerning use of Opposer's Mark in 2009 on (a) nail polish; (b) lipstick; (c) lip-gloss; (d) eye-liner; (e) lip-liner; (f) eye shadow; (g) face powder; (h) blush; (i) mascara sold under Opposer's Mark, including but not limited to purchase orders placed by Opposer, confirmations, manufacturing, shipping and customs records, orders for product from customers, Opposer's invoices, cancelled checks or other proof of payment and all internal accounting

documents and records.

RESPONSE TO DOCUMENT REQUEST NO. 14:

Opposer objects to this Request for the reasons set forth in the General Objections and specifically to the extent that it is overly broad, unduly burdensome. Opposer further objects to this Request on the ground that it seeks documents and information that is neither relevant nor at issue in this proceeding nor relevant to the claims or defenses of either party. The only issue present in the instant Opposition Proceeding is trademark infringement and the likelihood of confusion that exists with Applicant's HAUS OF GAGA application and Opposer's in use and not abandoned Registered Trademark GAGA PURE PLATINUM.

DOCUMENT REQUEST NO. 15:

All documents concerning use of Opposer's Mark in 2010 on (a) nail polish; (b) lipstick; (c) lip-gloss; (d) eye-liner; (e) lip-liner; (f) eye shadow; (g) face powder; (h) blush; (i) mascara sold under Opposer's Mark, including but not limited to purchase orders placed by Opposer, confirmations, manufacturing, shipping and customs records, orders for product from customers, Opposer's invoices, cancelled checks or other proof of payment and all internal accounting documents and records.

RESPONSE TO DOCUMENT REQUEST NO. 15:

Opposer objects to this Request for the reasons set forth in the General Objections and specifically to the extent that it is overly broad, unduly burdensome. Opposer further objects to this Request on the ground that it seeks documents and information that is neither relevant nor at issue in this proceeding nor relevant to the claims or defenses of either party. The only issue present in the instant Opposition Proceeding is trademark infringement and the likelihood of

confusion that exists with Applicant's HAUS OF GAGA application and Opposer's in use and not abandoned Registered Trademark GAGA PURE PLATINUM.

DOCUMENT REQUEST NO. 16:

All documents concerning use of Opposer's Mark in 2011 on (a) nail polish; (b) lipstick; (c) lip-gloss; (d) eye-liner; (e) lip-liner; (f) eye shadow; (g) face powder; (h) blush; (i) mascara sold under Opposer's Mark, including but not limited to purchase orders placed by Opposer, confirmations, manufacturing, shipping and customs records, orders for product from customers, Opposer's invoices, cancelled checks or other proof of payment and all internal accounting documents and records.

RESPONSE TO DOCUMENT REQUEST NO. 16:

Opposer objects to this Request for the reasons set forth in the General Objections and specifically to the extent that it is overly broad, unduly burdensome. Opposer further objects to this Request on the ground that it seeks documents and information that is neither relevant nor at issue in this proceeding nor relevant to the claims or defenses of either party. The only issue present in the instant Opposition Proceeding is trademark infringement and the likelihood of confusion that exists with Applicant's HAUS OF GAGA application and Opposer's in use and not abandoned Registered Trademark GAGA PURE PLATINUM.

DOCUMENT REQUEST NO. 17:

All documents concerning use of Opposer's Mark in 2012 on (a) nail polish; (b) lipstick; (c) lip-gloss; (d) eye-liner; (e) lip-liner; (f) eye shadow; (g) face powder; (h) blush; (i) mascara sold under Opposer's Mark, including but not limited to purchase orders placed by Opposer, confirmations, manufacturing, shipping and customs records, orders for product from customers,

Opposer,,s invoices, cancelled checks or other proof of payment and all internal accounting documents and records.

RESPONSE TO DOCUMENT REQUEST NO. 17:

Opposer objects to this Request for the reasons set forth in the General Objections and specifically to the extent that it is overly broad, unduly burdensome. Opposer further objects to this Request on the ground that it seeks documents and information that is neither relevant nor at issue in this proceeding nor relevant to the claims or defenses of either party. The only issue present in the instant Opposition Proceeding is trademark infringement and the likelihood of confusion that exists with Applicant's HAUS OF GAGA application and Opposer's in use and not abandoned Registered Trademark GAGA PURE PLATINUM.

DOCUMENT REQUEST NO. 18:

All invoices and purchase orders showing sales of each of the goods bearing Opposer,,s Mark each year since 2001 broken down by year.

RESPONSE TO DOCUMENT REQUEST NO. 18:

Opposer objects to this Request for the reasons set forth in the General Objections and specifically to the extent that it is overly broad, unduly burdensome. Opposer further objects to this Request on the ground that it seeks documents and information that is neither relevant nor at issue in this proceeding nor relevant to the claims or defenses of either party. The only issue present in the instant Opposition Proceeding is trademark infringement and the likelihood of confusion that exists with Applicant's HAUS OF GAGA application and Opposer's in use and not abandoned Registered Trademark GAGA PURE PLATINUM.

DOCUMENT REQUEST NO. 19:

All shipping documents for each of Opposer's Goods bearing Opposer's Mark each year since 2001 broken down by year.

RESPONSE TO DOCUMENT REQUEST NO. 19:

Opposer objects to this Request for the reasons set forth in the General Objections and specifically to the extent that it is overly broad, unduly burdensome. Opposer further objects to this Request on the ground that it seeks documents and information that is neither relevant nor at issue in this proceeding nor relevant to the claims or defenses of either party. The only issue present in the instant Opposition Proceeding is trademark infringement and the likelihood of confusion that exists with Applicant's HAUS OF GAGA application and Opposer's in use and not abandoned Registered Trademark GAGA PURE PLATINUM.

DOCUMENT REQUEST NO. 20:

All documents sufficient to identify all former, current or prospective direct customers of Opposer's Goods bearing Opposer's Mark from the first sale of said products, and all documents sent to or received from such direct customers.

RESPONSE TO DOCUMENT REQUEST NO. 20:

Opposer objects to this Request for the reasons set forth in the General Objections and specifically to the extent that it is overly broad, unduly burdensome. Opposer further objects to this Request on the ground that it seeks documents and information that is neither relevant nor at issue in this proceeding nor relevant to the claims or defenses of either party. The only issue present in the instant Opposition Proceeding is trademark infringement and the likelihood of confusion that exists with Applicant's HAUS OF GAGA application and Opposer's in use and

not abandoned Registered Trademark GAGA PURE PLATINUM.

DOCUMENT REQUEST NO. 21:

All documents concerning the current inventory of all Opposers's Goods in Opposer's possession bearing Opposer's Mark in units and dollars, separated by type of good (e.g., nail polish, lipstick, lip-gloss, eye-liner, lip-liner, eye shadow, face powder, blush, mascara, etc.)

RESPONSE TO DOCUMENT REQUEST NO. 21:

Opposer objects to this Request for the reasons set forth in the General Objections and specifically to the extent that it is overly broad, unduly burdensome. Opposer further objects to this Request on the ground that it seeks documents and information that is neither relevant nor at issue in this proceeding nor relevant to the claims or defenses of either party. The only issue present in the instant Opposition Proceeding is trademark infringement and the likelihood of confusion that exists with Applicant's HAUS OF GAGA application and Opposer's in use and not abandoned Registered Trademark GAGA PURE PLATINUM.

DOCUMENT REQUEST NO. 22:

All documents concerning Opposer's knowledge of the existence and/or activities of Applicant.

RESPONSE TO DOCUMENT REQUEST NO. 22:

Opposer objects to this Request for the reasons set forth in the General Objections and specifically to the extent that it is overly broad, unduly burdensome, vague confusing and ambiguous. Subject to and without waiving the forgoing objections, Opposer responds that there are no documents responsive to this request in its possession, custody or control.

DOCUMENT REQUEST NO. 23:

All documents sufficient to illustrate the date when the website associated with the domain name gagapureplatinum.com was launched.

RESPONSE TO DOCUMENT REQUEST NO. 23:

Opposer objects to this Request for the reasons set forth in the General Objections and specifically to the extent that it is overly broad, unduly burdensome. Opposer further objects to this Request on the ground that it seeks documents and information that is neither relevant nor at issue in this proceeding nor relevant to the claims or defenses of either party. The only issue present in the instant Opposition Proceeding is trademark infringement and the likelihood of confusion that exists with Applicant's HAUS OF GAGA application and Opposer's in use and not abandoned Registered Trademark GAGA PURE PLATINUM.

DOCUMENT REQUEST NO. 24:

All documents, including but not limited to all contracts, licenses, agreements, with web developers for the website associated with the domain name gagapureplatinum.com.

RESPONSE TO DOCUMENT REQUEST NO. 24:

Opposer objects to this Request for the reasons set forth in the General Objections and specifically to the extent that it is overly broad, unduly burdensome and are not reasonably calculated to lead to the discovery of admissible evidence. Opposer further objects to this Request on the ground that it seeks documents and information that is neither relevant nor at issue in this proceeding nor relevant to the claims or defenses of either party. The only issue present in the instant Opposition Proceeding is trademark infringement and the likelihood of confusion that exists with Applicant's HAUS OF GAGA application and Opposer's in use and not abandoned Registered Trademark GAGA PURE PLATINUM.

DOCUMENT REQUEST NO. 25:

All documents concerning the design and layout of the website associated with the domain name gagapureplatinum.com.

RESPONSE TO DOCUMENT REQUEST NO. 25:

Opposer objects to this Request for the reasons set forth in the General Objections and specifically to the extent that it is overly broad, unduly burdensome and are not reasonably calculated to lead to the discovery of admissible evidence. Opposer further objects to this Request on the ground that it seeks documents and information that is neither relevant nor at issue in this proceeding nor relevant to the claims or defenses of either party. The only issue present in the instant Opposition Proceeding is trademark infringement and the likelihood of confusion that exists with Applicant's HAUS OF GAGA application and Opposer's in use and not abandoned Registered Trademark GAGA PURE PLATINUM.

DOCUMENT REQUEST NO. 26:

All documents concerning the website gagapureplatinum.com.

RESPONSE TO DOCUMENT REQUEST NO. 26:

Opposer objects to this Request for the reasons set forth in the General Objections and specifically to the extent that it is overly broad, unduly burdensome. Opposer further objects to this Request on the ground that it seeks documents and information that is neither relevant nor at issue in this proceeding nor relevant to the claims or defenses of either party. The only issue present in the instant Opposition Proceeding is trademark infringement and the likelihood of confusion that exists with Applicant's HAUS OF GAGA application and Opposer's in use and not abandoned Registered Trademark GAGA PURE PLATINUM.

DOCUMENT REQUEST NO. 27:

All documents concerning the sale of products on zela.com

RESPONSE TO DOCUMENT REQUEST NO. 27:

Opposer objects to this Request for the reasons set forth in the General Objections and specifically to the extent that it is overly broad, unduly burdensome, vague, ambiguous and confusing. Opposer further objects to this Request on the ground that it seeks documents and information that is neither relevant nor at issue in this proceeding nor relevant to the claims or defenses of either party. The only issue present in the instant Opposition Proceeding is trademark infringement and the likelihood of confusion that exists with Applicant's HAUS OF GAGA application and Opposer's in use and not abandoned Registered Trademark GAGA PURE PLATINUM.

DOCUMENT REQUEST NO. 28:

All documents sufficient to show relationship between Opposer and Zela International.

RESPONSE TO DOCUMENT REQUEST NO. 28:

Opposer objects to this Request for the reasons set forth in the General Objections and specifically to the extent that it is overly broad, unduly burdensome and are not reasonably calculated to lead to the discovery of admissible evidence. Opposer further objects to this Request on the ground that it seeks documents and information that is neither relevant nor at issue in this proceeding nor relevant to the claims or defenses of either party. The only issue present in the instant Opposition Proceeding is trademark infringement and the likelihood of confusion that exists with Applicant's HAUS OF GAGA application and Opposer's in use and not abandoned Registered Trademark GAGA PURE PLATINUM.

DOCUMENT REQUEST NO. 29:

All documents concerning the sale of Opposer's Goods by Zela.com or Zela International.

RESPONSE TO DOCUMENT REQUEST NO. 29:

Opposer objects to this Request for the reasons set forth in the General Objections and specifically to the extent that it is overly broad, unduly burdensome and confusing. Opposer further objects to this Request on the ground that it seeks documents and information that is neither relevant nor at issue in this proceeding nor relevant to the claims or defenses of either party. The only issue present in the instant Opposition Proceeding is trademark infringement and the likelihood of confusion that exists with Applicant's HAUS OF GAGA application and Opposer's in use and not abandoned Registered Trademark GAGA PURE PLATINUM.

DOCUMENT REQUEST NO. 30:

All documents sufficient to show the registration date of the Facebook account for GAGA PURE PLATINUM.

RESPONSE TO DOCUMENT REQUEST NO. 30:

Opposer objects to this Request for the reasons set forth in the General Objections and specifically to the extent that it is overly broad, unduly burdensome and are not reasonably calculated to lead to the discovery of admissible evidence. Opposer further objects to this Request on the ground that it seeks documents and information that is neither relevant nor at issue in this proceeding nor relevant to the claims or defenses of either party. The only issue present in the instant Opposition Proceeding is trademark infringement and the likelihood of confusion that exists with Applicant's HAUS OF GAGA application and Opposer's in use and

not abandoned Registered Trademark GAGA PURE PLATINUM.

DOCUMENT REQUEST NO. 31:

All documents concerning any application Opposer filed with the USPTO in connection with Opposer's Mark.

RESPONSE TO DOCUMENT REQUEST NO. 31:

Opposer objects to this Request for the reasons set forth in the General Objections and specifically to the extent that it is overly broad, unduly burdensome and harassing and that the information is publicly available and/or equally available to Applicant. Opposer further objects to this Request on the ground that it seeks documents and information that is neither relevant nor at issue in this proceeding nor relevant to the claims or defenses of either party. The only issue present in the instant Opposition Proceeding is trademark infringement and the likelihood of confusion that exists with Applicant's HAUS OF GAGA application and Opposer's in use and not abandoned Registered Trademark GAGA PURE PLATINUM.

DOCUMENT REQUEST NO. 32:

All documents concerning Opposer's creation, selection or adoption of its Mark, including but not limited to any marketing studies, search reports, opinions, trademark or copyright registration searches, investigations or advice created for or rendered to Opposer.

RESPONSE TO DOCUMENT REQUEST NO. 32:

Opposer objects to this Request for the reasons set forth in the General Objections and specifically to the extent that it is overly broad, unduly burdensome and harassing. Opposer further objects to this Request on the ground that it seeks documents and information that is neither relevant nor at issue in this proceeding nor relevant to the claims or defenses of either

party. The only issue present in the instant Opposition Proceeding is trademark infringement and the likelihood of confusion that exists with Applicant's HAUS OF GAGA application and Opposer's in use and not abandoned Registered Trademark GAGA PURE PLATINUM.

DOCUMENT REQUEST NO. 33:

All documents concerning Opposer's uses and/or intended uses for Opposer's Mark in the United States.

RESPONSE TO DOCUMENT REQUEST NO. 33:

Opposer objects to this Request for the reasons set forth in the General Objections and specifically to the extent that it is overly broad, unduly burdensome, and confusing. Opposer further objects to this Request on the ground that it seeks documents and information that is neither relevant nor at issue in this proceeding nor relevant to the claims or defenses of either party. The only issue present in the instant Opposition Proceeding is trademark infringement and the likelihood of confusion that exists with Applicant's HAUS OF GAGA application and Opposer's in use and not abandoned Registered Trademark GAGA PURE PLATINUM.

DOCUMENT REQUEST NO. 34:

All documents concerning Opposer's first use of Opposer's Mark in commerce including the date of first sale.

RESPONSE TO DOCUMENT REQUEST NO. 34:

Opposer objects to this Request for the reasons set forth in the General Objections and specifically to the extent that it is overly broad, unduly burdensome. Opposer further objects to this Request on the ground that it seeks documents and information that is neither relevant nor at issue in this proceeding nor relevant to the claims or defenses of either party. The only issue

present in the instant Opposition Proceeding is trademark infringement and the likelihood of confusion that exists with Applicant's HAUS OF GAGA application and Opposer's in use and not abandoned Registered Trademark GAGA PURE PLATINUM.

DOCUMENT REQUEST NO. 35:

Samples of each of Opposer's Goods sold or offered for sale under Opposer's Mark.

RESPONSE TO DOCUMENT REQUEST NO. 35:

Opposer objects to this Request for the reasons set forth in the General Objections and specifically to the extent that it is overly broad, unduly burdensome and harassing and that the information is publicly available and/or equally available to Petitioner. The only issue present in the instant Opposition Proceeding is trademark infringement and the likelihood of confusion that exists with Applicant's HAUS OF GAGA application and Opposer's in use and not abandoned Registered Trademark GAGA PURE PLATINUM. Subject to and without waiving the forgoing objections, Opposer responds that documents responsive to this request were produced in connection with the cancelation as Exhibit B – Box of Samples Document Request No. 35.

DOCUMENT REQUEST NO. 36:

All documents sufficient to identify the target consumers for Opposer's Goods sold under Opposer's Mark, including but not limited to marketing studies, research reports, consumer correspondence, consumer surveys, opinions and investigations.

RESPONSE TO DOCUMENT REQUEST NO. 36:

Opposer objects to this Request for the reasons set forth in the General Objections and specifically to the extent that it is overly broad, unduly burdensome. Opposer further objects to this Request on the ground that it seeks documents and information that is neither relevant nor at

issue in this proceeding nor relevant to the claims or defenses of either party. The only issue present in the instant Opposition Proceeding is trademark infringement and the likelihood of confusion that exists with Applicant's HAUS OF GAGA application and Opposer's in use and not abandoned Registered Trademark GAGA PURE PLATINUM.

DOCUMENT REQUEST NO. 37:

All documents concerning the creation, selection, manufacture and/or development of any of Opposer's Goods made under Opposer's Mark.

RESPONSE TO DOCUMENT REQUEST NO. 37:

Opposer objects to this Request for the reasons set forth in the General Objections and specifically to the extent that it is overly broad, unduly burdensome. Opposer further objects to this Request on the ground that it seeks documents and information that is neither relevant nor at issue in this proceeding nor relevant to the claims or defenses of either party. The only issue present in the instant Opposition Proceeding is trademark infringement and the likelihood of confusion that exists with Applicant's HAUS OF GAGA application and Opposer's in use and not abandoned Registered Trademark GAGA PURE PLATINUM.

DOCUMENT REQUEST NO. 38:

All documents sufficient to identify the goods that are sold, will be sold or are in development to be sold under Opposer's Mark, whether or not currently in use in commerce.

RESPONSE TO DOCUMENT REQUEST NO. 38:

Opposer objects to this Request for the reasons set forth in the General Objections and specifically to the extent that it is overly broad, unduly burdensome. Opposer further objects to this Request on the ground that it seeks documents and information that is neither relevant nor at

issue in this proceeding nor relevant to the claims or defenses of either party. The only issue present in the instant Opposition Proceeding is trademark infringement and the likelihood of confusion that exists with Applicant's HAUS OF GAGA application and Opposer's in use and not abandoned Registered Trademark GAGA PURE PLATINUM.

DOCUMENT REQUEST NO. 39:

All documents sufficient to identify any and all former, current or prospective retailers, wholesalers or other sellers and/or distributors and sellers of any of Opposer's Goods sold under Opposer's Marks.

RESPONSE TO DOCUMENT REQUEST NO. 39:

Opposer objects to this Request for the reasons set forth in the General Objections and specifically to the extent that it is overly broad, unduly burdensome. Opposer further objects to this Request on the ground that it seeks documents and information that is neither relevant nor at issue in this proceeding nor relevant to the claims or defenses of either party. The only issue present in the instant Opposition Proceeding is trademark infringement and the likelihood of confusion that exists with Applicant's HAUS OF GAGA application and Opposer's in use and not abandoned Registered Trademark GAGA PURE PLATINUM.

DOCUMENT REQUEST NO. 40:

All documents sufficient to identify the geographic regions of the United States in which any of Opposer's Goods sold under Opposer's Marks are currently offered for sale or will be offered for sale.

RESPONSE TO DOCUMENT REQUEST NO. 40:

Opposer objects to this Request for the reasons set forth in the General Objections and

specifically to the extent that it is overly broad, unduly burdensome. Opposer further objects to this Request on the ground that it seeks documents and information that is neither relevant nor at issue in this proceeding nor relevant to the claims or defenses of either party. The only issue present in the instant Opposition Proceeding is trademark infringement and the likelihood of confusion that exists with Applicant's HAUS OF GAGA application and Opposer's in use and not abandoned Registered Trademark GAGA PURE PLATINUM.

DOCUMENT REQUEST NO. 41:

All documents sufficient to identify any and all domain names registered by or on behalf of Opposer incorporating Opposer's Mark, including but not limited to applications, registrations, agreements, correspondence and e-mails.

RESPONSE TO DOCUMENT REQUEST NO. 41:

Opposer objects to this Request for the reasons set forth in the General Objections and specifically to the extent that it is overly broad, unduly burdensome. Opposer further objects to this Request on the ground that it seeks documents and information that is neither relevant nor at issue in this proceeding nor relevant to the claims or defenses of either party. The only issue present in the instant Opposition Proceeding is trademark infringement and the likelihood of confusion that exists with Applicant's HAUS OF GAGA application and Opposer's in use and not abandoned Registered Trademark GAGA PURE PLATINUM. Subject to and without waiving the forgoing objections, Opposer responds that documents responsive to this request were produced in connection with the cancellation as Exhibit C - Document Request No. 41 and No. 65.

DOCUMENT REQUEST NO. 42:

Copies of all advertising and promotional materials including, but not limited to, pamphlets, promotional materials, labels, signage, business cards, letterhead or invoices, used in the United States or proposed to be used in the United States, in connection with the sale of Opposer,s Goods bearing Opposer,s Mark.

RESPONSE TO DOCUMENT REQUEST NO. 42:

Opposer objects to this Request for the reasons set forth in the General Objections and specifically to the extent that it is overly broad, unduly burdensome. Opposer further objects to this Request on the ground that it seeks documents and information that is neither relevant nor at issue in this proceeding nor relevant to the claims or defenses of either party. The only issue present in the instant Opposition Proceeding is trademark infringement and the likelihood of confusion that exists with Applicant's HAUS OF GAGA application and Opposer's in use and not abandoned Registered Trademark GAGA PURE PLATINUM.

DOCUMENT REQUEST NO. 43:

All documents concerning publicity for Opposer,s Mark in the United States, including, but not limited to, press releases, brochures, flyers, advertisements and promotional literature, whether published in print, broadcast or electronic form.

RESPONSE TO DOCUMENT REQUEST NO. 43:

Opposer objects to this Request for the reasons set forth in the General Objections and specifically to the extent that it is overly broad, unduly burdensome, vague, confusing, and ambiguous. Opposer further objects to this Request on the ground that it seeks documents and information that is neither relevant nor at issue in this proceeding nor relevant to the claims or

defenses of either party. The only issue present in the instant Opposition Proceeding is trademark infringement and the likelihood of confusion that exists with Applicant's HAUS OF GAGA application and Opposer's in use and not abandoned Registered Trademark GAGA PURE PLATINUM.

DOCUMENT REQUEST NO. 44:

All documents concerning publicity for Opposer's Goods in the United States, including, but not limited to, press releases, brochures, flyers, advertisements and promotional literatures, whether published in print, broadcast or electronic form.

RESPONSE TO DOCUMENT REQUEST NO. 44:

Opposer objects to this Request for the reasons set forth in the General Objections and specifically to the extent that it is overly broad, unduly burdensome, vague, confusing, and ambiguous. Opposer further objects to this Request on the ground that it seeks documents and information that is neither relevant nor at issue in this proceeding nor relevant to the claims or defenses of either party. The only issue present in the instant Opposition Proceeding is trademark infringement and the likelihood of confusion that exists with Applicant's HAUS OF GAGA application and Opposer's in use and not abandoned Registered Trademark GAGA PURE PLATINUM.

DOCUMENT REQUEST NO. 45:

All documents concerning promotional events in the United States sponsored by Opposer involving Opposer's Mark, including but not limited to press and/or launch parties, promotions and social events.

RESPONSE TO DOCUMENT REQUEST NO. 45:

Opposer objects to this Request for the reasons set forth in the General Objections and specifically to the extent that it is overly broad, unduly burdensome. Opposer further objects to this Request on the ground that it seeks documents and information that is neither relevant nor at issue in this proceeding nor relevant to the claims or defenses of either party. The only issue present in the instant Opposition Proceeding is trademark infringement and the likelihood of confusion that exists with Applicant's HAUS OF GAGA application and Opposer's in use and not abandoned Registered Trademark GAGA PURE PLATINUM.

DOCUMENT REQUEST NO. 46:

All documents concerning consumer recognition of Opposer's Mark in the United States.

RESPONSE TO DOCUMENT REQUEST NO. 46:

Opposer objects to this Request for the reasons set forth in the General Objections and specifically to the extent that it is overly broad, unduly burdensome. Opposer further objects to this Request on the ground that it seeks documents and information that is neither relevant nor at issue in this proceeding nor relevant to the claims or defenses of either party. The only issue present in the instant Opposition Proceeding is trademark infringement and the likelihood of confusion that exists with Applicant's HAUS OF GAGA application and Opposer's in use and not abandoned Registered Trademark GAGA PURE PLATINUM.

DOCUMENT REQUEST NO. 47:

All documents concerning Opposer's business, marketing, and advertising plans and strategies for opposer's Goods sold under Opposer's Mark, including, but not limited to, and plans to advertise Opposer's Goods sold under Opposer's Mark on television stations, radio

stations, Internet web sites, cable television stations, national television networks, newspapers, magazines, circulars or other media outlets.

RESPONSE TO DOCUMENT REQUEST NO. 47:

Opposer objects to this Request for the reasons set forth in the General Objections and specifically to the extent that it is overly broad, unduly burdensome. Opposer further objects to this Request on the ground that it seeks documents and information that is neither relevant nor at issue in this proceeding nor relevant to the claims or defenses of either party. The only issue present in the instant Opposition Proceeding is trademark infringement and the likelihood of confusion that exists with Applicant's HAUS OF GAGA application and Opposer's in use and not abandoned Registered Trademark GAGA PURE PLATINUM.

DOCUMENT REQUEST NO. 48:

All documents sufficient to identify Opposer's annual expenses in the United States for its business, marketing, advertising and promotional plans, publicity and strategies concerning Opposer's Mark from the date of inception to the present.

RESPONSE TO DOCUMENT REQUEST NO. 48:

Opposer objects to this Request for the reasons set forth in the General Objections and specifically to the extent that it is overly broad, unduly burdensome. Opposer further objects to this Request on the ground that it seeks documents and information that is neither relevant nor at issue in this proceeding nor relevant to the claims or defenses of either party. The only issue present in the instant Opposition Proceeding is trademark infringement and the likelihood of confusion that exists with Applicant's HAUS OF GAGA application and Opposer's in use and not abandoned Registered Trademark GAGA PURE PLATINUM.

DOCUMENT REQUEST NO. 49:

All documents concerning communications with any outside consultants concerning Opposer's Mark including but not limited to correspondence to or from publicity firms, public relations agents, advertising agencies, sales agencies, marketing firms and other consulting firms.

RESPONSE TO DOCUMENT REQUEST NO. 49:

Opposer objects to this Request for the reasons set forth in the General Objections and specifically to the extent that it is overly broad, unduly burdensome. Opposer further objects to this Request on the ground that it seeks documents and information that is neither relevant nor at issue in this proceeding nor relevant to the claims or defenses of either party. The only issue present in the instant Opposition Proceeding is trademark infringement and the likelihood of confusion that exists with Applicant's HAUS OF GAGA application and Opposer's in use and not abandoned Registered Trademark GAGA PURE PLATINUM.

DOCUMENT REQUEST NO. 50:

Representative samples of each piece of advertising or promotional material or proposed advertising or promotional material showing use of Opposer's Mark in connection with Opposer's Goods, including a page (if applicable) that identifies the medium and date of publication of such advertisement or promotion.

RESPONSE TO DOCUMENT REQUEST NO. 50:

Opposer objects to this Request for the reasons set forth in the General Objections and specifically to the extent that it is overly broad, and unduly burdensome. Respondent further objects to this Request on the ground that it seeks documents and information that is neither relevant nor at issue in this proceeding nor relevant to the claims or defenses of either party. The

only issue present in the instant Opposition Proceeding is trademark infringement and the likelihood of confusion that exists with Applicant's HAUS OF GAGA application and Opposer's in use and not abandoned Registered Trademark GAGA PURE PLATINUM.

DOCUMENT REQUEST NO. 51:

All documents concerning unsolicited media attention in the United States received by Opposer in connection with Opposer's Mark, including, but not limited to, magazine and newspaper articles, broadcast media and electronic publications in the past year.

RESPONSE TO DOCUMENT REQUEST NO. 51:

Opposer objects to this Request for the reasons set forth in the General Objections and specifically to the extent that it is overly broad, unduly burdensome. Opposer further objects to this Request on the ground that it seeks documents and information that is neither relevant nor at issue in this proceeding nor relevant to the claims or defenses of either party. The only issue present in the instant Opposition Proceeding is trademark infringement and the likelihood of confusion that exists with Applicant's HAUS OF GAGA application and Opposer's in use and not abandoned Registered Trademark GAGA PURE PLATINUM.

DOCUMENT REQUEST NO. 52:

All documents showing, discussing, concerning and/or comparing Opposer's Goods to the goods of any competitor or any other person or entity offering goods comparable to Opposer's Goods

RESPONSE TO DOCUMENT REQUEST NO. 52:

Opposer objects to this Request for the reasons set forth in the General Objections and specifically to the extent that it is overly broad, unduly burdensome. Opposer further objects to

this Request on the ground that it seeks documents and information that is neither relevant nor at issue in this proceeding nor relevant to the claims or defenses of either party. The only issue present in the instant Opposition Proceeding is trademark infringement and the likelihood of confusion that exists with Applicant's HAUS OF GAGA application and Opposer's in use and not abandoned Registered Trademark GAGA PURE PLATINUM.

DOCUMENT REQUEST NO. 53:

All documents concerning the intended purchaser(s) of Opposer's Goods, bearing Opposer's Mark.

RESPONSE TO DOCUMENT REQUEST NO. 53:

Opposer objects to this Request for the reasons set forth in the General Objections and specifically to the extent that it is overly broad, unduly burdensome. Opposer further objects to this Request on the ground that it seeks documents and information that is neither relevant nor at issue in this proceeding nor relevant to the claims or defenses of either party. The only issue present in the instant Opposition Proceeding is trademark infringement and the likelihood of confusion that exists with Applicant's HAUS OF GAGA application and Opposer's in use and not abandoned Registered Trademark GAGA PURE PLATINUM.

DOCUMENT REQUEST NO. 54:

All documents concerning the licensing or assignment of any trademark, copyright, domain name or contractual rights in Opposer's Mark or prospective licensing or assignment of any trademark, copyright or contractual rights for Opposer's Mark to any third party.

RESPONSE TO DOCUMENT REQUEST NO. 54:

Opposer objects to this Request for the reasons set forth in the General Objections and

specifically to the extent that it is overly broad, unduly burdensome. Opposer further objects to this Request on the ground that it seeks documents and information that is neither relevant nor at issue in this proceeding nor relevant to the claims or defenses of either party. The only issue present in the instant Opposition Proceeding is trademark infringement and the likelihood of confusion that exists with Applicant's HAUS OF GAGA application and Opposer's in use and not abandoned Registered Trademark GAGA PURE PLATINUM.

DOCUMENT REQUEST NO. 55:

All documents reflecting past, present and potential agents, licensees, joint venture partners, sponsors or promoters, hired by or on behalf of Opposer in connection with Opposer's Goods offered under Opposer's Mark.

RESPONSE TO DOCUMENT REQUEST NO. 55:

Opposer objects to this Request for the reasons set forth in the General Objections and specifically to the extent that it is overly broad, unduly burdensome. Opposer further objects to this Request on the ground that it seeks documents and information that is neither relevant nor at issue in this proceeding nor relevant to the claims or defenses of either party. The only issue present in the instant Opposition Proceeding is trademark infringement and the likelihood of confusion that exists with Applicant's HAUS OF GAGA application and Opposer's in use and not abandoned Registered Trademark GAGA PURE PLATINUM

DOCUMENT REQUEST NO. 56:

All documents, including, but not limited to, any studies, reports, analysis, and/or communications prepared by or for Opposer, concerning Opposer's Goods.

RESPONSE TO DOCUMENT REQUEST NO. 56:

Opposer objects to this Request for the reasons set forth in the General Objections and specifically to the extent that it is overly broad, unduly burdensome. Opposer further objects to this Request on the ground that it seeks documents and information that is neither relevant nor at issue in this proceeding nor relevant to the claims or defenses of either party. The only issue present in the instant Opposition Proceeding is trademark infringement and the likelihood of confusion that exists with Applicant's HAUS OF GAGA application and Opposer's in use and not abandoned Registered Trademark GAGA PURE PLATINUM.

DOCUMENT REQUEST NO. 57:

All documents concerning any goods in International Class 3 that are offered for sale or sold by any third party and which use the term GAGA or any term substantially similar thereto including, but not limited to, in the name of the product and/or, packaging of the product.

RESPONSE TO DOCUMENT REQUEST NO. 57:

Opposer objects to this Request for the reasons set forth in the General Objections and specifically to the extent that it is overly broad, unduly burdensome, confusing and incomprehensible. Opposer further objects to this Request on the ground that it seeks documents and information that is neither relevant nor at issue in this proceeding nor relevant to the claims or defenses of either party. The only issue present in the instant Opposition Proceeding is trademark infringement and the likelihood of confusion that exists with Applicant's HAUS OF GAGA application and Opposer's in use and not abandoned Registered Trademark GAGA PURE PLATINUM

DOCUMENT REQUEST NO. 58:

All documents concerning Opposer,,s efforts to enforce Opposer,,s Mark.

RESPONSE TO DOCUMENT REQUEST NO. 58:

Opposer objects to this Request for the reasons set forth in the General Objections and specifically to the extent that it is overly broad, unduly burdensome, confusing, vague and ambiguous. Opposer further objects to this request as it seeks information that is equally available to Petitioner, publicly available and is a matter of public record. The only issue present in the instant Opposition Proceeding is trademark infringement and the likelihood of confusion that exists with Applicant"s HAUS OF GAGA application and Opposer"s in use and not abandoned Registered Trademark GAGA PURE PLATINUM. Subject to and without waiving the forgoing objections, Opposer responds that documents responsive to this request were produced in connection with the cancelation as Exhibit D – Document Request No 58.

DOCUMENT REQUEST NO. 59:

All documents concerning any allegations of infringement of Opposer,,s Mark or lawsuits filed which allege infringement of Opposer,,s Mark, against any individual or entity.

RESPONSE TO DOCUMENT REQUEST NO. 59:

Opposer objects to this Request for the reasons set forth in the General Objections and specifically to the extent that it is overly broad, unduly burdensome, confusing. Opposer further objects to this request as it seeks information that is equally available to Petitioner, publicly available and is a matter of public record. The only issue present in the instant Opposition Proceeding is trademark infringement and the likelihood of confusion that exists with Applicant"s HAUS OF GAGA application and Opposer"s in use and not abandoned Registered

Trademark GAGA PURE PLATINUM. Subject to and without waiving the forgoing objections, Opposer responds that documents responsive to this request were produced in connection with the cancellation as Exhibit D – Document Request No 58.

DOCUMENT REQUEST NO. 60:

All documents concerning Opposer’s claims in its Notice of Opposition in this Action.

RESPONSE TO DOCUMENT REQUEST NO. 60:

Opposer objects to this Request for the reasons set forth in the General Objections and specifically to the extent that it is overly broad, unduly burdensome, and harassing. Opposer also objects to this request on the ground that it is premature at this stage of the proceeding.

DOCUMENT REQUEST NO. 61:

All documents concerning any coexistence agreements concerning Opposer’s Mark to which Opposer is a party.

RESPONSE TO DOCUMENT REQUEST NO. 61:

Opposer objects to this Request for the reasons set forth in the General Objections and specifically to the extent that it is overly broad, unduly burdensome. Opposer further objects to this Request on the ground that it seeks documents and information that is neither relevant nor at issue in this proceeding nor relevant to the claims or defenses of either party. The only issue present in the instant Opposition Proceeding is trademark infringement and the likelihood of confusion that exists with Applicant’s HAUS OF GAGA application and Opposer’s in use and not abandoned Registered Trademark GAGA PURE PLATINUM.

DOCUMENT REQUEST NO. 62:

All documents reviewed and/or relied upon in drafting the Notice of Opposition in this Action.

RESPONSE TO DOCUMENT REQUEST NO. 62:

Opposer objects to this Request for the reasons set forth in the General Objections and specifically to the extent that it is overly broad, unduly burdensome and harassing.

DOCUMENT REQUEST NO. 63:

All documents sufficient to identify all persons with knowledge or information concerning the subject matter of this Action.

RESPONSE TO DOCUMENT REQUEST NO. 63

Opposer objects to this Request for the reasons set forth in the General Objections and specifically to the extent that it is vague, confusing, overly broad, unduly burdensome and unintelligible. Opposer further objects to this Request on the ground that it seeks documents and information that is neither relevant nor at issue in this proceeding nor relevant to the claims or defenses of either party. The only issue present in the instant Opposition Proceeding is trademark infringement and the likelihood of confusion that exists with Applicant's HAUS OF GAGA application and Opposer's in use and not abandoned Registered Trademark GAGA PURE PLATINUM.

DOCUMENT REQUEST NO. 64:

All documents sufficient to show Opposer's revenue of sale of each of Opposer's Goods in Class 3 in the United States each year from the date of first use.

RESPONSE TO DOCUMENT REQUEST NO. 64

Opposer objects to this Request for the reasons set forth in the General Objections and specifically to the extent that it is overly broad, unduly burdensome. Opposer further objects to this Request on the ground that it seeks documents and information that is neither relevant nor at

issue in this proceeding nor relevant to the claims or defenses of either party. Opposer further objects to this Request on the ground that it seeks documents and information that is neither relevant nor at issue in this proceeding nor relevant to the claims or defenses of either party. The only issue present in the instant Opposition Proceeding is trademark infringement and the likelihood of confusion that exists with Applicant's HAUS OF GAGA application and Opposer's in use and not abandoned Registered Trademark GAGA PURE PLATINUM.

DOCUMENT REQUEST NO. 65:

All documents concerning registration of the domain name gagapureplatinum.com

RESPONSE TO DOCUMENT REQUEST NO. 65:

Opposer objects to this Request for the reasons set forth in the General Objections and specifically to the extent that it is overly broad, unduly burdensome, confusing and vague. Opposer further objects to this request as it seeks information that is equally available to Applicant, publicly available and is a matter of public record. The only issue present in the instant Opposition Proceeding is trademark infringement and the likelihood of confusion that exists with Applicant's HAUS OF GAGA application and Opposer's in use and not abandoned Registered Trademark GAGA PURE PLATINUM. Subject to and without waiving the forgoing objections, Opposer responds that documents responsive to this request were produced in connection with the cancelation as Exhibit C – Document Request No.41 and No. 65.

DOCUMENT REQUEST NO. 66:

All documents concerning any press releases concerning this Action or concerning the dispute between Applicant and Opposer in general.

RESPONSE TO DOCUMENT REQUEST NO. 66:

Opposer objects to this Request for the reasons set forth in the General Objections and specifically to the extent that it is vague, confusing, and ambiguous. Opposer further objects to this Request on the ground that it seeks documents and information that is neither relevant nor at issue in this proceeding nor relevant to the claims or defenses of either party. The only issue present in the instant Opposition Proceeding is trademark infringement and the likelihood of confusion that exists with Applicant's HAUS OF GAGA application and Opposer's in use and not abandoned Registered Trademark GAGA PURE PLATINUM.

DOCUMENT REQUEST NO. 67:

All documents concerning the decision to issue a press release concerning this Action or concerning the dispute between Applicant and Opposer in general.

RESPONSE TO DOCUMENT REQUEST NO. 67:

Opposer objects to this Request for the reasons set forth in the General Objections and specifically to the extent that it is vague, confusing, and ambiguous. Opposer further objects to this Request on the ground that it seeks documents and information that is neither relevant nor at issue in this proceeding nor relevant to the claims or defenses of either party. The only issue present in the instant Opposition Proceeding is trademark infringement and the likelihood of confusion that exists with Applicant's HAUS OF GAGA application and Opposer's in use and not abandoned Registered Trademark GAGA PURE PLATINUM.

DOCUMENT REQUEST NO. 68:

All documents sufficient to show use in the United States of Opposer's Mark on each item listed in Opposer's Registration, including invoices and the identifies of each and every

purchase of Opposer's Goods.

RESPONSE TO DOCUMENT REQUEST NO. 68:

Opposer objects to this Request for the reasons set forth in the General Objections and specifically to the extent that it is overly broad, unduly burdensome, and harassing. Opposer further objects to this Request on the ground that it seeks documents and information that is neither relevant nor at issue in this proceeding nor relevant to the claims or defenses of either party. The only issue present in the instant Opposition Proceeding is trademark infringement and the likelihood of confusion that exists with Applicant's HAUS OF GAGA application and Opposer's in use and not abandoned Registered Trademark GAGA PURE PLATINUM. .

DOCUMENT REQUEST NO. 69:

All documents that Opposer intends to rely on during the testimony and trial periods in the Action.

RESPONSE TO DOCUMENT REQUEST NO. 69:

Opposer objects to this Request for the reasons set forth in the General Objections and specifically to the extent that it is overly broad, unduly burdensome. Opposer also objects to this request on the ground that it is premature at this stage of the proceeding.

DOCUMENT REQUEST NO. 70:

For each expert witness Opposer intends to call, a copy of such witness's resume, all documents concerning communications between such witness and Applicant, all documents evidencing any opinion formed by such witness, and all documents relied upon by such witness in forming an opinion as to the substance of such witness's testimony.

RESPONSE TO DOCUMENT REQUEST NO. 70:

Opposer objects to this Request for the reasons set forth in the General Objections and specifically to the extent that it is overly broad, unduly burdensome. Opposer also objects to this request on the ground that it is premature at this stage of the proceeding.

Dated: August 25, 2013


Christina Sukljian

By: 

Opposer
GAGA PURE PLATINUM
13 Manor Street
Albany, New York 12207

CERTIFICATE OF PROOF OF SERVICE

I hereby certify that I served a copy of the foregoing OPPOSER'S RESPONSES AND OBJECTIONS TO APPLICANT'S FIRST REQUEST FOR THE PRODUCTION OF DOCUMENTS upon Applicant Ate My Heart, Inc. by mailing said copy on August 25, 2013 via The United States Postal Service priority mail with signature confirmation in a postage prepaid envelope to Applicant at the following address: Ate My Heart, Inc. c/o Pryor Cashman LLP, 7 Times Square, New York, NY 10036.


Christina Sukljan
13 Manor Street
Albany, NY 12207

Date of Deposit: August 25, 2012
USPS Priority Mail

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the Matter of Application No. 85215017
for the Mark: HAUS OF GAGA

-----X		
CHRISTINA SUKLJIAN,	:	
	:	
Opposer,	:	Opposition No. 91205046
	:	
v.	:	
	:	
ATE MY HEART, INC.,	:	
	:	
Applicant.	:	
ATE MY HEART, INC.,	:	
	:	
Petitioner,	:	Cancelation No. 92055279
	:	
v.	:	
	:	
CHRISTINA SUKLJIAN,	:	
	:	
Respondent.	:	
-----X		

**OPPOSER’S RESPONSES AND OBJECTIONS TO APPLICANT’S FIRST SET OF
INTERROGATORIES**

Pursuant to Federal Rules of Civil Procedure 26 and 33, Opposer Christina Sukljian, hereby responds and objects to Applicant, Ate My Heart Inc.’s, first set of interrogatories in Opposition No. 91205046 action.

GENERAL OBJECTIONS

Opposer objects to the specific interrogatories, instructions and definitions contained in Applicant Ate My Heart, Inc.'s First Set of Interrogatories and Opposer makes its objections to specific interrogatories by, among other things, incorporating by reference the following objections as appropriate.

1. Opposer objects to each of Applicant's Interrogatories, Instructions and Definitions to the extent they purport to impose discovery obligations that differ from or exceed the discovery obligations required by the Federal Rules of Civil Procedure, or the Local Rules of this Court, or other applicable statute, regulation, rule or court order.

2. Opposer objects to each the Applicant's Interrogatories to the extent that they are overly broad, unduly burdensome, oppressive, and intended to harass and impose excessive expenses.

3. Opposer objects to each of the Applicant's Interrogatories to the extent that they are vague, ambiguous, confusing, incomprehensible and cumulative.

4. Opposer objects to each of the Applicant's Interrogatories to the extent that they seek and call for disclosure information that is not relevant to the issues of law and fact in this action or not reasonably calculated to lead to the discovery of admissible evidence.

5. Opposer objects to each of the Applicant's Interrogatories to the extent that they seek information and disclosure of protected trade secrets, or confidential, or proprietary or privileged information. The inadvertent disclosure of any privileged information shall not be deemed to be a waiver of any applicable privilege with respect to such information or any other information provided.

6. Opposer objects to each of the Applicant's Interrogatories to the extent that it seeks

information that is already in Applicant's custody, possession or control.

7. Opposer objects to the Applicant's Interrogatories to the extent that they may be construed to seek information that is unknown to the Opposer or not in the possession, custody, or control of Opposer and to the extent they may be construed to require any search for information beyond one that is limited to the appropriate subject matter files pertinent to the Interrogatories and to the personal knowledge of Opposer, or reasonably believed to have personal involvement in, or knowledge of, the subjects included within the Interrogatories.

8. Opposer objects to each of the Applicant's Interrogatories to the extent that it seeks information that is publicly available, is a matter of public record, and/or generated by other entities.

9. By responding to any particular interrogatory, Opposer does not acknowledge or concede that the facts set forth therein, or the predicate underlying such interrogatory, is accurate or truthful in any respect.

10. In responding to the Interrogatories, Opposer neither waives, nor intends to waive, but expressly reserves, any and all objections to the relevance, competence, susceptibility to discovery, materiality, or admissibility of any and all information provided. Inadvertent disclosure of any information which is confidential, proprietary, privileged or objectionable shall not constitute a waiver of any privilege or of any other ground for objection to discovery with respect to such information, or of Opposer's right to object to the use of such information during this proceeding.

11. By not objecting to any particular Interrogatory, Opposer does not concede, imply, or admit that any information responsive to such interrogatory exists.

12. By responding to any particular Interrogatory, Opposer does not acknowledge or concede that the facts set forth therein, or the predicate underlying such interrogatory, is accurate or truthful in any respect.

13. Opposer objects to each Interrogatory that seeks the identity of “any”, “each” or “all” persons or documents and things as such requests are overly broad and unduly burdensome.

14. Opposer responds to each of the Interrogatories based upon information available as of the date hereof and reserve the right to supplement, modify and amend these responses as appropriate. Opposer further reserves the right to introduce into evidence in Opposition action No. 92055279 materials and information in addition to the information disclosed in response to the interrogatories.

SPECIFIC RESPONSES

INTERROGATORY NO.1

Identify all customers of Opposer’s Goods sold in connection with Opposer’s Mark each year from 2001 to present broken out by year and Goods.

RESPONSE TO INTERROGATORY NO.1

Opposer objects to this Interrogatory for the reasons set forth in the General Objections and specifically to the extent that it is overly broad, unduly burdensome, and intended to harass. Opposer further objects to this Interrogatory to the extent that it seeks information that is neither relevant nor at issue in this proceeding nor relevant to the claims or defenses of either party. The only issue present in the instant Opposition Proceeding is trademark infringement and the likelihood of confusion that exists with Applicant’s HAUS OF GAGA application and Opposer’s in use and not abandoned Registered Trademark GAGA PURE PLATINUM.

INTERROGATORY NO.2

Identify persons having knowledge or information concerning any of the facts Opposer relied on in its Notice of Opposition, and describe, with respect to each such person: (a) the information that each such person possesses; and (b) his/her relationship to the parties to this action.

RESPONSE TO INTERROGATORY NO.2

Opposer objects to this Interrogatory for the reasons set forth in the General Objections and specifically to the extent that it is confusing, overly broad, unduly burdensome vague and incomprehensible. Subject to and without waiving the forgoing objections Respondent responds that Christina Sukljian is the Opposer in the Opposition Action No. 91205046.

INTERROGATORY NO.3

Specify the amount of (a) sales; (b) revenues; (c) profits; and (d) advertising and promotional expenditures for all of Opposer's Goods sold that bear Opposer's Mark that have been by Opposer in the United States each year from the first date alleged in the Registration to present broken out by year and Goods.

RESPONSE TO INTERROGATORY NO.3

Opposer objects to this Interrogatory for the reasons set forth in the General Objections and specifically to the extent that it is overly broad and unduly burdensome. Respondent further objects to this Interrogatory to the extent that it seeks information that is neither relevant nor at issue in this proceeding nor relevant to the claims or defenses of either party. The only issue present in the instant Opposition Proceeding is trademark infringement and the likelihood of

confusion that exists with Applicant's HAUS OF GAGA application and Opposer's in use and not abandoned Registered Trademark GAGA PURE PLATINUM.

INTERROGATORY NO.4

Describe in detail the actual use of Opposer's Mark on Opposer's Goods by identifying each type of item that bears Opposer's Mark and identifying the manner in which Opposer's Mark is affixed to or used in connection with each such item.

RESPONSE TO INTERROGATORY NO.4

Opposer objects to this Interrogatory for the reasons set forth in the General Objections and specifically to the extent that it is overly broad, unduly burdensome and confusing.

INTERROGATORY NO.5

Identify the date of first use in the United States of Opposer's Mark on each item identified in the Registration.

RESPONSE TO INTERROGATORY NO.5

Opposer objects to this Interrogatory for the reasons set forth in the General Objections and specifically to the extent that it is overly broad. Opposer further objects to this Interrogatory to the extent that it seeks information that is publicly available. The only issue present in the instant Opposition Proceeding is trademark infringement and the likelihood of confusion that exists with Applicant's HAUS OF GAGA application and Opposer's in use and not abandoned Registered Trademark GAGA PURE PLATINUM. Subject to and without waiving the forgoing objections Opposer responds that the date of first use of Opposer's Mark in the United States, as identified on the United States Patent and Trademark Office's website, is identified as first Use in Commerce: Jun. 07, 2001 and First Use: Jul. 23, 2000.

INTERROGATORY NO.6

For each of Opposer's Goods bearing or offered in connection with Opposer's Mark in the United States, please state the following:

- (a) Opposer's channels of trade, including all former, current or prospective retail establishments, wholesale establishments and websites;
- (b) Opposer's targeted consumer group and/or targeted demographics;
- (c) The price points at which Opposer's Goods bearing Opposer's Mark are sold to consumers; and
- (d) The amount of money Opposer's has earmarked or dedicated to the manufacture and, separately, the promotion of the Opposer's Goods bearing Opposer's Mark for 2012.

RESPONSE TO INTERROGATORY NO.6

Opposer objects to this Interrogatory for the reasons set forth in the General Objections and specifically to the extent that it is overly broad and unduly burdensome. Opposer further objects to this Interrogatory to the extent that it seeks information that is neither relevant nor at issue in this proceeding nor relevant to the claims or defenses of either party. The only issue present in the instant Opposition Proceeding is trademark infringement and the likelihood of confusion that exists with Applicant's HAUS OF GAGA application and Opposer's in use and not abandoned Registered Trademark GAGA PURE PLATINUM. Subject to and without waiving the forgoing objections Opposer states the Interrogatories listed above in (a) is overly broad and unduly burdensome, however Opposer identifies the following current two websites as www.gagapureplatinum.com and www.zela.com (c) \$12.50 - \$22.00

INTERROGATORY NO.7

For each type of item identified in response to Interrogatory No. 4 above, state

Opposer's annual volume of business in the United States by identifying the annual volume of sales in units and dollars from the date of first sale(s) to the date of Opposer's response.

RESPONSE TO INTERROGATORY NO.7

Opposer objects to this Interrogatory for the reasons set forth in the General Objections and specifically to the extent that it is incomprehensible and confusing. Opposer further objects to this Interrogatory to the extent that it seeks information that is neither relevant nor at issue in this proceeding nor relevant to the claims or defenses of either party. The only issue present in the instant Opposition Proceeding is trademark infringement and the likelihood of confusion that exists with Applicant's HAUS OF GAGA application and Opposer's in use and not abandoned Registered Trademark GAGA PURE PLATINUM.

INTERROGATORY NO.8

Identify any and all persons Opposer has authorized, licensed or otherwise granted the right to use Opposer's Mark in commerce in connection with Opposer's Goods. For each person identified, identify the date of commencement and termination of each such authorization, license or grant, and identify any written license agreements or franchise agreements granting rights to use Opposer's Mark.

RESPONSE TO INTERROGATORY NO.8

Opposer objects to this Interrogatory for the reasons set forth in the General Objections and specifically to the extent that it is overly broad and unduly burdensome. Opposer further objects to this Interrogatory to the extent that it seeks information that is neither relevant nor at issue in this proceeding nor relevant to the claims or defenses of either party. The only issue present in the instant Opposition Proceeding is trademark infringement and the likelihood of

confusion that exists with Applicant's HAUS OF GAGA application and Opposer's in use and not abandoned Registered Trademark GAGA PURE PLATINUM.

INTERROGATORY NO.9

Identify all cease and desist demand letters and responses thereto, litigations, trademark actions or proceedings, ICANN proceedings and/or other challenges concerning Opposer's Mark in any way. When responding to this interrogatory, include: (a) the dates of such challenge; (b) the third-party mark involved; (c) the adversarial party; and (d) the outcome of each challenge.

RESPONSE TO INTERROGATORY NO.9

Opposer objects to this Interrogatory for the reasons set forth in the General Objections and specifically to the extent that it is overly broad and unduly burdensome. Opposer further objects to this Interrogatory to the extent that it seeks information that is neither relevant nor at issue in this proceeding nor relevant to the claims or defenses of either party. The only issue present in the instant Opposition Proceeding is trademark infringement and the likelihood of confusion that exists with Applicant's HAUS OF GAGA application and Opposer's in use and not abandoned Registered Trademark GAGA PURE PLATINUM.

INTERROGATORY NO.10

Identify all of Opposer's market competitors for Opposer's Goods and state why Opposer believes that each identified entity is a competitor.

RESPONSE TO INTERROGATORY NO.10

Opposer objects to this Interrogatory for the reasons set forth in the General Objections and specifically to the extent that it is ambiguous, harassing, overly broad, vague, and unduly burdensome and not reasonably calculated to lead to the discovery of admissible evidence.

Opposer further objects to this Interrogatory to the extent that it seeks information that is neither relevant nor at issue in this proceeding nor relevant to the claims or defenses of either party. The only issue present in the instant Opposition Proceeding is trademark infringement and the likelihood of confusion that exists with Applicant's HAUS OF GAGA application and Opposer's in use and not abandoned Registered Trademark GAGA PURE PLATINUM.

INTERROGATORY NO.11

Identify the total number of sales of Opposer's Goods bearing Opposer's Mark each year from 2001 to present.

RESPONSE TO INTERROGATORY NO.11

Opposer objects to this Interrogatory for the reasons set forth in the General Objections and specifically to the extent that it is overly broad and unduly burdensome. Opposer further objects to this Interrogatory to the extent that it seeks information that is neither relevant nor at issue in this proceeding nor relevant to the claims or defenses of either party. Opposer further objects to this Interrogatory to the extent that it seeks information that is neither relevant nor at issue in this proceeding nor relevant to the claims or defenses of either party. The only issue present in the instant Opposition Proceeding is trademark infringement and the likelihood of confusion that exists with Applicant's HAUS OF GAGA application and Opposer's in use and not abandoned Registered Trademark GAGA PURE PLATINUM.

INTERROGATORY NO.12

Identify the first date that Opposer began selling all of Opposer's Goods on gagapureplatinum.com.

RESPONSE TO INTERROGATORY NO.12

Opposer objects to this Interrogatory for the reasons set forth in the General Objections and specifically to the extent that it is overly broad and unduly burdensome. Opposer further objects to this Interrogatory to the extent that it seeks information that is neither relevant nor at issue in this proceeding nor relevant to the claims or defenses of either party. The only issue present in the instant Opposition Proceeding is trademark infringement and the likelihood of confusion that exists with Applicant's HAUS OF GAGA application and Opposer's in use and not abandoned Registered Trademark GAGA PURE PLATINUM.

INTERROGATORY NO.13

Identify the registration date of Opposer's Facebook account for GAGA PURE PLATINUM.

RESPONSE TO INTERROGATORY NO.13

Opposer objects to this Interrogatory for the reasons set forth in the General Objections and specifically to the extent that it seeks information that is neither relevant nor at issue in this proceeding nor relevant to the claims or defenses of either party and not reasonably calculated to lead to the discovery of admissible evidence. The only issue present in the instant Opposition Proceeding is trademark infringement and the likelihood of confusion that exists with Applicant's HAUS OF GAGA application and Opposer's in use and not abandoned Registered Trademark GAGA PURE PLATINUM.

INTERROGATORY NO.14

Identify and describe the relationship between Opposer, and Gaga Pure Platinum on one hand and Zela International on the other.

RESPONSE TO INTERROGATORY NO.14

Opposer objects to this Interrogatory for the reasons set forth in the General Objections and specifically to the extent that it is vague, overly broad and unduly burdensome. Opposer further objects to this Interrogatory to the extent that it seeks information that is neither relevant nor at issue in this proceeding nor relevant to the claims or defenses of either party. The only issue present in the instant Opposition Proceeding is trademark infringement and the likelihood of confusion that exists with Applicant's HAUS OF GAGA application and Opposer's in use and not abandoned Registered Trademark GAGA PURE PLATINUM.

INTERROGATORY NO.15

Identify each item sold by or on behalf of Opposer since 2001 that bears Opposer's Mark.

RESPONSE TO INTERROGATORY NO.15

Opposer objects to this Interrogatory for the reasons set forth in the General Objections and specifically to the extent that it is overly broad and unduly burdensome. Opposer further objects to this Interrogatory to the extent that it seeks information that is neither relevant nor at issue in this proceeding nor relevant to the claims or defenses of either party. The only issue present in the instant Opposition Proceeding is trademark infringement and the likelihood of confusion that exists with Applicant's HAUS OF GAGA application and Opposer's in use and not abandoned Registered Trademark GAGA PURE PLATINUM.

INTERROGATORY NO.16

Identify all web designers and developers and persons affiliated with use and registration of the domain name gagapureplatinum.com.

RESPONSE TO INTERROGATORY NO.16

Opposer objects to this Interrogatory for the reasons set forth in the General Objections and specifically to the extent that it is overly broad and unduly burdensome and not reasonably calculated to lead to the discovery of admissible evidence. Opposer further objects to this Interrogatory to the extent that it seeks information that is neither relevant nor at issue in this proceeding nor relevant to the claims or defenses of either party. The only issue present in the instant Opposition Proceeding is trademark infringement and the likelihood of confusion that exists with Applicant's HAUS OF GAGA application and Opposer's in use and not abandoned Registered Trademark GAGA PURE PLATINUM.

INTERROGATORY NO.17

Identify all distributors for Opposer's Mark sold under Opposer's Goods each year from 2001 to the present.

RESPONSE TO INTERROGATORY NO.17

Opposer objects to this Interrogatory for the reasons set forth in the General Objections and specifically to the extent that it is overly broad and unduly burdensome. Opposer further objects to this Interrogatory to the extent that it seeks information that is neither relevant nor at issue in this proceeding nor relevant to the claims or defenses of either party. The only issue present in the instant Opposition Proceeding is trademark infringement and the likelihood of confusion that exists with Applicant's HAUS OF GAGA application and Opposer's in use and

not abandoned Registered Trademark GAGA PURE PLATINUM.

INTERROGATORY NO.18

Identify all retailers and wholesalers for Opposer's Mark sold under Opposer's Goods each year from 2001 to the present.

RESPONSE TO INTERROGATORY NO.18

Opposer objects to this Interrogatory for the reasons set forth in the General Objections and specifically to the extent that it is overly broad and unduly burdensome. Opposer further objects to this Interrogatory to the extent that it seeks information that is neither relevant nor at issue in this proceeding nor relevant to the claims or defenses of either party. The only issue present in the instant Opposition Proceeding is trademark infringement and the likelihood of confusion that exists with Applicant's HAUS OF GAGA application and Opposer's in use and not abandoned Registered Trademark GAGA PURE PLATINUM.

INTERROGATORY NO.19

If you believe that the Applicant's Marks are confusingly similar to Opposer's Mark, set forth the basis for your belief.

RESPONSE TO INTERROGATORY NO.19

Opposer objects to this Interrogatory for the reasons set forth in the General Objections and specifically to the extent that it is confusing and incomprehensible.

INTERROGATORY NO.20

Identify all persons who provided information or otherwise assisted in responding to these Interrogatories and specify the Interrogatories for which each such person provided information or other assistance.

RESPONSE TO INTERROGATORY NO.20

Opposer objects to this Interrogatory for the reasons set forth in the General Objections and specifically to the extent that it is not reasonably calculated to lead to the discovery of admissible evidence. Subject to and without waiving the forgoing objections, Opposer responds that Opposer, Christina Sukljian, respondend to Opposer's Responses to Applicant's First Set of Interrogatories.

INTERROGATORY NO.21

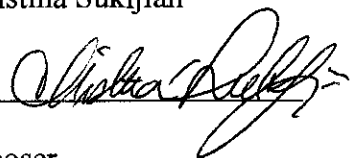
Identify all documents or things that you relied on in responding to these Interrogatories.

RESPONSE TO INTERROGATORY NO.21

Opposer objects to this Interrogatory for the reasons set forth in the General Objections and specifically to the extent that it is overly broad, unduly burdensome and confusing.

Dated: August 25, 2013

Christina Sukljian

By: 

Opposer
GAGA PURE PLATINUM
13 Manor Street
Albany, New York 12207

CERTIFICATE OF PROOF OF SERVICE

I hereby certify that I served a copy of the foregoing OPPOSER'S RESPONSES AND OBJECTIONS TO APPLICANT'S FIRST SET OF INTERROGATORIES upon Applicant Ate My Heart, Inc. by mailing said copy on August 25, 2013 via The United States Postal Service priority mail with signature confirmation in a postage prepaid envelope to Applicant at the following address: Ate My Heart, Inc. c/o Pryor Cashman LLP, 7 Times Square, New York, NY 10036.

Date of Deposit: August 25, 2013
USPS Priority Mail



Christina Sukhjian
13 Manor Street
Albany, NY 12207